

**Electronic Questionnaires for Investigations Processing (e-QIP)
Investigation Request #5897216****SIGNATURE FORMS**

The signature(s) in this document refer to information on forms submitted in the e-QIP Investigation Request #5897216. The signature on the statement below is as valid as directly signing the same statement on a printed e-QIP Investigation Request #5897216 Official Archival Copy. This signed statement and an image of each page from the e-QIP Investigation Request #5897216 Official Archival Copy will be considered official record.

Sign and submit all forms in this document to the office that initiated your Investigation Request.

Data Hash Code: 218d621723b101d238f56be39922373bfd399f63

Official Archival Copy PDF Hash Code: 4ef1fbff1ff1d3bbb497f8149e0d0f9f841ff322

Date/Time Certified in the e-QIP System: 2009-06-07 11:16:32.524

Applicant's Social Security Number: 259-51-5648

Questionnaire for National Security Positions (SF86 Format)

OMB No. 3206-0005

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the foregoing instructions to complete this form. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (18 U.S.C. 1001). I understand that intentionally withholding, misrepresenting, or falsifying information may have a negative effect on my security clearance, employment prospects, or job status, up to and including denial or revocation of my security clearance, or my removal and debarment from Federal service.

Signature (Sign in ink)

Date



06/11/09

Standard Form 88-2
Revised July 2008
U.S. Office of Personnel Management
5 CFR Parts 731, 732, and 738

QUESTIONNAIRE FOR
NATIONAL SECURITY POSITIONS

Form approved:
OMB No. 3208-0005
NSN 7540-00 634-4038
86-111

UNITED STATES OF AMERICA

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION PURSUANT
TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

If you answered "Yes" to Question 21, carefully read this authorization to release information about you, then sign and date it in ink.

Instructions for Completing this Release

This is a release for the investigator to ask your health practitioner(s) the questions below concerning your mental health consultations. Your signature will allow the practitioner(s) to answer only these questions.

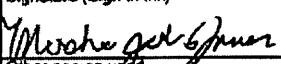
Authorization

I am seeking assignment to or retention in a national security position. As part of the clearance process, I hereby authorize the investigator, special agent, or duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain the following information relating to my mental health consultations.

In accordance with HIPAA, I understand that I have the right to revoke this authorization at any time by writing to the U.S. Office of Personnel Management. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization. Further, I understand that this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.

I understand the information disclosed pursuant to this release is for use by the Federal Government only for purposes provided in the Standard Form 86 and that it may be disclosed by the Government only as authorized by law, but will no longer be subject to the HIPAA privacy rule.

Photocopies of this authorization with my signature are valid. This authorization is valid for one (1) year from the date signed or upon termination of my affiliation with the Federal Government, whichever is sooner.

Signature (Sign in Ink)	Full name (Type or print legibly)	Date signed (mm/dd/yyyy)			
	Moshea John Jones	06/11/2016			
Other names used	Social Security Number				
John Moshea Jones					
Current street address	Apt. #	City (Country)	State	Zip Code	Home telephone number
310 Woodstock Dr. SW		Atlanta	GA	30331	404-699-0574

For Use By Practitioner(s) Only

Does the person under investigation have a condition that could impair his or her judgment, reliability, or ability to properly safeguard classified national security information?

YES NO

If so, describe the nature of the condition and the extent and duration of the impairment or treatment.

What is the prognosis?

Signature (Sign in ink)	Practitioner name	Date signed (mm/dd/yyyy)
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e-QIP Version 2
e-QIP Investigation Request #5897216

e-QIP Document Type MEL



DEPARTMENT OF HEALTH & HUMAN SERVICES

**OFFICE OF THE SECRETARY
EQUAL EMPLOYMENT OPPORTUNITY
FORMAL INDIVIDUAL COMPLAINT FORM FOR EMPLOYMENT
DISCRIMINATION**
Agency File No.: HHS-OS-0013-2010

FORMAL COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT

AUTHORITY: 42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. Chapter 14; E.O. 12106. PURPOSE: Used for processing complaints of discrimination based on race, color, national origin, religion, sex, age, physical or mental disability, and/or retaliation by agency civilian employees, former employees, or applicants for employment. ROUTINE USES: Information will be used: (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts and may also be used to respond to general requests for information under the Freedom of Information Act; (b) to respond to requests from legitimate outside individuals or agencies (Congress, White House, Equal Employment Opportunity Commission) regarding the status of a complaint or appeal; or (c) to adjudicate a complaint or appeal. DISCLOSURE: Voluntary; however, failure to complete all appropriate portions of this form may lead to dismissal of a complaint on the basis of inadequate data on which to determine if a complaint is acceptable.			
1. NAME OF COMPLAINANT: MOSHEA JOHN JONES		2. HOME ADDRESS: 310 Woodstock Dr. S.W. Atlanta, GA 30331	
3a. HOME PHONE NO: 404. 694. 0120	3b. WORK PHONE NO: N/A	4. NAME AND ADDRESS OF AGENCY WHERE YOU CURRENTLY WORK: N/A	
5. DO YOU HAVE A REPRESENTATIVE? <input type="checkbox"/> a. YES (Complete Item 6) <input checked="" type="checkbox"/> b. NO			
6. IF YES, PROVIDE NAME, ADDRESS, AND PHONE NO. OF REPRESENTATIVE: IS YOUR REPRESENTATIVE AN ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO		7a. NAME AND ADDRESS OF AGENCY WHERE ALLEGATION(S) OCCURRED: DHHS/OIG/OAS 61 Forsyth Street S.W. Suite 3T41 7b. NAME AND TITLE OF MANAGEMENT OFFICIAL RESPONSIBLE FOR THE ALLEGED DISCRIMINATION: Peter J. Barber, RIGA Brion C. Johnson, Audit Manager	

8. DATE OF EACH INCIDENT OF ALLEGED DISCRIMINATION:	9. ARE YOU A BARGAINING UNIT EMPLOYEE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10. ARE YOU AN AGENCY EMPLOYEE OR APPLICANT? <input checked="" type="checkbox"/> a. EMPLOYEE: TITLE, SERIES, GRADE I.T. Auditor GS-05 <input type="checkbox"/> b. APPLICANT	
11. REASON YOU BELIEVE YOU WERE DISCRIMINATED AGAINST ("X" BELOW):			
a. RACE (Specify):	X	e. DISABILITY (Specify): <input type="checkbox"/> Physical: <input checked="" type="checkbox"/> Mental: ADHD	
b. COLOR (Specify):		f. AGE (If so, state your Age and Date of Birth):	
c. RELIGION (Specify):		g. SEX (Specify):	
d. NATIONAL ORIGIN (Specify):	X	h. RETALIATION (If so, state date and nature of your participation in an EEO-protected activity or opposition to discriminatory practices.): Opposition to discriminatory practices occurring October 19-24, 2010 while on audit (FSU), GRIEVANCE FILED	
12a. DID YOU DISCUSS YOUR COMPLAINT WITH AN EEO COUNSELOR? <input checked="" type="checkbox"/> a. YES (Complete 12b) <input type="checkbox"/> b. NO	12b. IF "YES," NAME OF EEO COUNSELOR: Les Jennings	12c. DATE YOU FIRST CONTACTED AN EEO COUNSELOR:	12d. DATE RECEIVED NOTICE OF FINAL INTERVIEW/RIGHT TO FILE:
14. TELL BRIEFLY HOW YOU WERE DISCRIMINATED AGAINST: Identify the specific incidents or events and dates on which they occurred; i.e., tell how you were treated differently from other employees or applicants because of your race, color, religion, sex, national origin, age, mental or physical disability, or retaliation. See Instructions. I believe I was discriminated based on the following with respect to my disability: PER YOUR REQUIREMENT Failure of Management to Provide Reasonable Accommodation, CLARIFICATION Harassment July thru Illegal Termination JUN 28, 2010 (Document sent via Retaliation for opposition to discriminatory practices (OCT 19-24, 2010) CERTIFIED Hostile Work Environment TO PROVE IT)			
15. REMEDY/RESOLUTION: Please describe the terms, conditions, corrective actions, and remedial relief you are seeking in resolving/adjudicating your complaint. A Formal Apology, Reasonable Accommodation, Cease Harassment, Full Reinstatement, Mitigating Damages, NO Additional Form(s) of Retaliation			
16. HAVE ANY OF THE INCIDENTS LISTED IN ITEM 14 BEEN APPEALED TO THE MERIT SYSTEMS PROTECTION BOARD (MSPB) OR FILED UNDER A NEGOTIATED GRIEVANCE PROCEDURE?		17. SIGNATURE OF COMPLAINANT: Mark jen	
<input type="checkbox"/> a. YES Explain. (Include date and case number.) <input checked="" type="checkbox"/> b. NO		18. DATE COMPLAINT SIGNED: APRIL 6/10	19. DATE COMPLAINT FILED (EEO OFFICE USE):



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY
EQUAL EMPLOYMENT OPPORTUNITY
FORMAL INDIVIDUAL COMPLAINT FORM FOR EMPLOYMENT
DISCRIMINATION
Agency File No.: HHS-OS-0034-2010

FORMAL COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT			
AUTHORITY:	42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. Chapter 14; E.O. 12106.		
PURPOSE:	Used for processing complaints of discrimination based on race, color, national origin, religion, sex, age, physical or mental disability, and/or retaliation by agency civilian employees, former employees, or applicants for employment.		
ROUTINE USES:	Information will be used: (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts and may also be used to respond to general requests for information under the Freedom of Information Act; (b) to respond to requests from legitimate outside individuals or agencies (Congress, White House, Equal Employment Opportunity Commission) regarding the status of a complaint or appeal; or (c) to adjudicate a complaint or appeal.		
DISCLOSURE:	Voluntary; however, failure to complete all appropriate portions of this form may lead to dismissal of a complaint on the basis of inadequate data on which to determine if a complaint is acceptable.		
1. NAME OF COMPLAINANT:	2. HOME ADDRESS: MOSHEA JOHN JONES 310 Woodstock Dr. S.W. Atlanta, Ga 30331		
3a. HOME PHONE NO:	404. 694. 0120	3b. WORK PHONE NO:	N/A
5. DO YOU HAVE A REPRESENTATIVE?		4. NAME AND ADDRESS OF AGENCY WHERE YOU CURRENTLY WORK: N/A	
<input type="checkbox"/> a. YES (Complete Item 6) <input checked="" type="checkbox"/> b. NO		7a. NAME AND ADDRESS OF AGENCY WHERE ALLEGATION(S) OCCURRED: DHS/OTG/OAS 61 Forsyth Street S.W. Suite 3T41	
6. IF YES, PROVIDE NAME, ADDRESS, AND PHONE NO. OF REPRESENTATIVE:		7b. NAME AND TITLE OF MANAGEMENT OFFICIAL RESPONSIBLE FOR THE ALLEGED DISCRIMINATION: Peter J. Barbers, RIGA Brion C. Johnston, Audit Manager	
IS YOUR REPRESENTATIVE AN ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO			

8. DATE OF EACH INCIDENT OF ALLEGED DISCRIMINATION: <i>See Attachment</i>	9. ARE YOU A BARGAINING UNIT EMPLOYEE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10. ARE YOU AN AGENCY EMPLOYEE OR APPLICANT? <input checked="" type="checkbox"/> a. EMPLOYEE: TITLE, SERIES, GRADE <i>I.T. Auditor GS-05</i> <input type="checkbox"/> b. APPLICANT	
11. REASON YOU BELIEVE YOU WERE DISCRIMINATED AGAINST ("X" BELOW):			
a. RACE (Specify):	X	e. DISABILITY (Specify): <input type="checkbox"/> Physical <input checked="" type="checkbox"/> Mental: <i>ADHD</i>	
b. COLOR (Specify):		f. AGE (If so, state your Age and Date of Birth):	
c. RELIGION (Specify):		g. SEX (Specify):	
d. NATIONAL ORIGIN (Specify):	X	b. RETALIATION (If so, state date and nature of your participation in an EEO-protected activity or opposition to discriminatory practices.):	
12a. DID YOU DISCUSS YOUR COMPLAINT WITH AN EEO COUNSELOR? <input checked="" type="checkbox"/> a. YES (Complete 12b) <input type="checkbox"/> b. NO	12b. IF "YES," NAME OF EEO COUNSELOR: <i>Garrison Birkett</i>	12c. DATE YOU FIRST CONTACTED AN EEO COUNSELOR:	13. DATE RECEIVED NOTICE OF FINAL INTERVIEW/RIGHT TO FILE:
14. TELL BRIEFLY HOW YOU WERE DISCRIMINATED AGAINST: Identify the specific incidents or events and dates on which they occurred; i.e., tell how you were treated differently from other employees or applicants because of your race, color, religion, sex, national origin, age, mental or physical disability, or retaliation. See Instructions.			
<p>(1) <i>Illegal Termination JAN 28, 2010</i> I believe I was discriminated based on the following with respect to my disability;</p> <p>(2) <i>Hostile Work Environment</i></p> <p>(3) <i>Failure to Provide Reasonable Accommodation(s)</i></p> <p>(4) <i>Failure to Comply with DHSS FCIP Performance + Appraisal Guidelines JAN 29, 2010</i></p> <p>(5) <i>Retaliation for opposition to discriminatory practices Oct 19-24, 2009</i></p> <p>(6) <i>Retaliation for participation in EEO Complaint JAN 28, 2010</i></p>			
15. REMEDY/RESOLUTION: Please describe the terms, conditions, corrective actions, and remedial relief you are seeking in resolving/adjudicating your complaint. Provide Reasonable Accommodation(s) <i>Management Attend 503 Training Awareness classes</i> Cease Harassment Mitigating Damages Full Reinstatement No Additional Form(s) of Retaliation Provide Better OJT			
16. HAVE ANY OF THE INCIDENTS LISTED IN ITEM 14 BEEN APPEALED TO THE MERIT SYSTEMS PROTECTION BOARD (MSPB) OR FILED UNDER A NEGOTIATED GRIEVANCE PROCEDURE?		17. SIGNATURE OF COMPLAINANT: <i>Markayfer Jure</i>	
<input type="checkbox"/> a. YES Explain. (Include date and case number.) <input checked="" type="checkbox"/> b. NO		18. DATE COMPLAINT SIGNED: <i>July 2, 2010</i>	19. DATE COMPLAINT FILED (EEO OFFICE USE):

Summary of the Argument

This Appeal, Agency review... ask that the United States Court of Appeals for the Eleventh Circuit Bring down the shameful wall of exclusion, finally, like George W. Bush signed-off on, and, George H.W. Bush signed-off on, under the Americans With Disabilities Act, the Americans with Disabilities Act Amendments Act, and the Genetic Information Non-discrimination Act... or certify my class complaint that must destroy Obamacare... because I am the Law of the Land, AND, the Land of Law: is Law

As expressed by the Texas Supreme Court, if the “language is susceptible of two constructions, one of which will carry out and the other defeat [its] manifest object, [the statute] should receive the former construction.”

Citizens Bank of Bryan v. First State Bank, 580 S.W.2d 344, 348 (Tex. 1979)

What you're saying is that the department can engage in intentional discrimination to avoid concern that they will be sued under disparate impact. Why doesn't it work the other way around as well? Why don't they say, well, we've got to tolerate the disparate impact because otherwise, if we took steps to avoid it, we would be sued for intentional discrimination? This idea that there is this great dilemma - I mean, it cuts both ways.

- Chief Justice John Roberts-

The denial of that spectrum, which represents the truth about disability/disabilities, is reminiscent of America's historical refusal to recognize another spectrum—the reality of race, that broad range of possible combinations and variations. More than one-hundred years ago after the 1863 Emancipation Proclamation, the 1964 civil Rights Act legally protected African-Americans from the effects of the racially related fiction that had rendered them second-class citizens. It should NOT take over one-hundred years for Americans with disability/disabilities and/or genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder to be afforded the right(s) of first class citizenship promised in the 1990 Americans with Disabilities Act or the 2007 Genetic Information Non-discrimination Act.

The Office of Inspector General for the Department of Health and Human Services STILL has not facilitated the Appellant THEN Complainant, Region IV (OIG/DHHS/OS/OAS) Information Technology Auditor Law-enforcement Official, M. John Jones's, FAR 39.2 compliant, approved reasonable Electronic Information & Technology (EIT) accommodations/workplace modifications purchased by the Department of Defence Computer-electronics Accommodation Program (DoD/CAP) that the Law [29 U.S.C. § 794d; 42 U.S.C. § 1982; and E.O. 13164] require MUST be facilitated, when the Agency has

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provided no undue burden exception certificate [under 36 CFR Part 1194.4 and FAR 39.204(e)] signed by either OIG or the Agency's Office of the Secretary 508 official(s) that would exempt the Appellant's Manager, [Region IV (OIG/DHHS/OS/OAS) Information Technology Audit & Advanced Audit Techniques Staff Manager, Brian C. Johnson,] and/or the Appellant's Supervisor, [THEN Region IV (OIG/DHHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera,] both, OIG Law-enforcement officials from within the DHHS Agency's OIG Office of Audit Services, from not complying with 36 CFR Part 1194.3(c) electronic and information technology accessibility standards and 31 U.S.C § 3512 Federal Financial Management Improvement Act of 1996.

It would seem anomalous . . . to think Congress intended no retaliation protection for employees who request a reasonable accommodation unless they also file a formal charge. This would leave employees unprotected if an employer granted the accommodation and shortly thereafter terminated the employee in retaliation."⁷

⁷ Soileau v. Guilford of Maine, 105 F.3d 12, 16 (1st Cir. 1997). See also Garza v. Abbott Laboratories, 940 F. Supp. 1227, 1294 (N.D. Ill. 1996) (plaintiff engaged in statutorily protected expression by requesting accommodation for her disability). The courts in Soileau and Garza only considered whether accommodation requests fall within the opposition or participation clause in Section 503(a) of the ADA. Note, however, that Section 503(b) more broadly makes it unlawful to interfere with "the exercise or enjoyment of . . . any right granted or protected" by the statute.

One of the current problems in employment discrimination law is that courts view discrimination largely as a 'problem of errant or rogue individual discriminators acting contrary to organizational policy and interest.' . . . In some cases, the search for the rogue actor is appropriate; however, [in this case], the search for the rogue actor asks the wrong question about culpability. It ignores the fact that multi-tiered or group decision making processes may make it difficult or impossible to locate intent within a particular person. . . . [It] disregards the ways that both formal and informal processes and policies within an organization shape the intentions and actions of its individual members, and the ways that the actions and intentions of the individual members shape the organization.

An observer may be made uncomfortable in the presence of an individual with a disability not simply because that person looks "different," but also because of an aversion to thinking about that person's life as if it were the observer's own life. In other words, because the observer wants to avoid thinking about what to him is a terrible life situation, his fear requires that he avoid—or not see—individuals with disabilities. This perception of tragedy, as expressed in comments such as "I'd rather be dead than live like that," can be seen as outward manifestations of the observer's psychological process of fear-avoidance. NOT ONLY is there fear of disability, fuelled by stereotype, but there is also a fear of acknowledging another's pain, of recognizing someone else's courage, and of comprehending the injustices others endure as people of feeling who are marginalized and devalued. We are afraid of feeling, of needing care, and of change because they ALL require the risk of admitting our vulnerability, our interdependence, and our need to reject the presence of emotion in legal decision making.

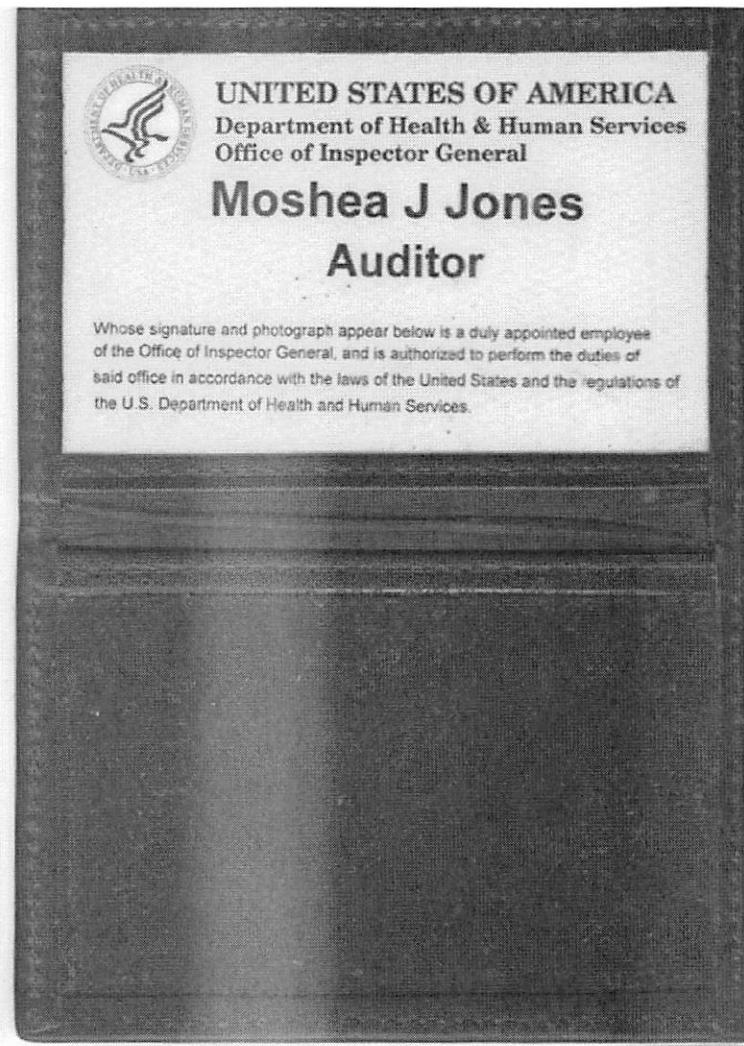
Justice is ultimately connected with the way people's lives go, and NOT merely with the nature of the institutions surrounding them.

There is too little recognition of the cost of discrimination... Accommodations permit society to benefit from the talents of people with disabilities, as well as, allowing such people to be NOT ONLY tax users, BUT ALSO taxpayers.

I'm charging the United States department of Health and Human Services office of the Secretary with unfair business practices against Americans with disability/disabilities

Case: 16-10945 Date Filed: 03/09/2016 Page: 101 of 106

The confiscation of property from internal process from within United States department of health and human services office of the Secretary is communistic...and disgusting when is occurring by the United States department of health and human services Agency's Office of the Secretary



THE MISSION OF OIG [OFFICE OF INSPECTOR GENERAL] IS TO COMBAT WASTE, FRAUD, AND ABUSE, THE APPELLANT IS A QUALIFIED INFORMATION TECHNOLOGY AUDITOR.

THE APPELLANT POINTED & REPORTED OUT WASTE, FRAUD, AND ABUSE AND WAS RETALIATED FOR DOING SO; THAT WAS LATER CONFIRMED SEPTEMBER 23, 2011

Authorization of an act also authorizes a necessary predicate act; “[W]here a general power is conferred or duty enjoined, every particular power necessary for the exercise of the one, or the performance of the other, is also conferred.”

Thomas M. Cooley

A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union 63 (1868).



DEPARTMENT OF HEALTH & HUMAN SERVICES

Case No. 2011-694-KS

Office of Inspector General
Freedom of Information Office
Cohen Building, Room 1962
250 Independence Ave., SW
Washington DC 20591

September 23, 2011

Mr. Moshea Jones
301 Woodstock Drive
Atlanta, GA 30331

Dear Mr. Jones:

This is in response to the September 15, 2011 email you sent to the Department of Health and Human Services, Office of Inspector General (OIG), seeking all written or electronic data ensuring OIG compliance with Executive Order 13164, to include all OIG components.

The Office of Inspector General conducted a thorough search for records responsive to your request but could not locate any responsive documents.

There is no charge for FOIA services in this instance because billable fees are under the Department's \$25.00 cost effective threshold.

While we believe that an adequate search of appropriate files was conducted for the records you seek, you have the right to appeal the finding that no records exist relative to your request. Should you wish to do so, you may appeal. Your appeal should be mailed within thirty (30) days from the date of receipt of this letter, to the Deputy Assistant for Public Affairs (News), Room 2221, Mary E. Switzer building, 330 C Street, S.W., Washington, DC 20201. Clearly mark both the envelope and your letter of appeal "FOIA APPEAL".

Sincerely

Robin Brooks
Director
Freedom of Information

Grant \$120 million dollars from the United States Department of Health and Human Services Office of the Sec to Fulton Co. Gov. of Georgia General funds for genetic attention deficit disorder/attention deficit hyper-activity disorder non results based healthcare that was caused by United States office of Inspector General Department of Health and Human Services genetic attention deficit disorder/Attention deficit hyper-activity disorder retaliation, that which, violated 42 U.S.C. § 2000ff-(6) & 42 U.S.C. § 2000ff-(4)

Certificate of Compliance

I certify that this brief complies with the type-volume limitation set forth in FRAP 32(a)(7)(B). This brief contains less than 14,000 words excluding the certificate interested persons and corporate disclosure statement and statement regarding oral argument as well as recorded recollection and memorandum in accordance with FRE 803(5) which is heavily reliant on because the appellant is an information technology auditor of the realm of accountancy with genetic attention deficit disorder/attention deficit hyper-activity disorder and associated learning dyslexia.

Certificate of Declaration & Service

Birthplace: the consecrated grounds from which brought forth the rebirth of America

Moshea (John) Jones
310 Woodstock Dr. SW
Atlanta, GA 30331
P. 404.694.0120
F.404.699.0574
E. mjones95@gsu.edu

*** —'ceteris paribus'— ***

Respectfully submitted,
M. John Jones
mjones95@student.gsu.edu

*I live in deeds, not years; In thought, not breath; In service, not in figures on the dial.
I count time by heart-throbs, when they beat for God, for man, for duty.
He lives most who thinks most, is noblest, acts the best.*

FOIA REQUEST(S) APPEAL

Director, News Division
U.S. Department of Health and Human Services
Mary E. Switzer Building, Room 2206
330 C Street, S.W.
Washington, D.C. 20201

Perhaps DHHS/OS FOIA division is attempting to split [or have spun off a particular portion of the FOIA] Request 2011-1282MT into several parts,...and as such,...new and separate FOIA request(s), or, perhaps not; nevertheless, neither FOIA Request 2013-0962GD, nor FOIA Request 2011-1282 has been completed, yet alone [being] processed promptly, professionally, or in any sort of an efficient manner; and therefore the reason for this credo Of Appeal.

Because I have an ongoing case against this agency's office of secretary and several executive branch employees within the umbrella of the U.S. Department of Health and Human Services, there is a cause of retaliation concern ...or at the very least cause of arbitrary and capricious withholding of information prohibited under the Freedom of Information Act at 5 U.S.C. 552, a failure of due process on the part of this Agency's Office of the Secretary to remain transparent, providing/processing/completing FOIA Request 2011-1282 within the statutory time limits; and equitable estoppel concerns of rights denied by RIGAS THEN Region IV (HHS/OIG/OAS) Regional Inspector General for Audit Services, Peter J. Barbera and Region IV (HHS/OIG/OAS) Audit I.T. Manager, Brian C. Johnson taking or failing to take a personnel action in violation of laws, rule, and regulation implementing/directly concerning merit system principles at 5 U.S.C. 2301(b).

All which have a bearing on Appellant THEN Complainant, Region IV (HHS/OIG/OAS) I.T. Auditor, M. John Jones class certification matters, still pending, but which still require most importantly the complete information sought in 2011-1282 FOIA Request; and RE:FOIA 2013-0962 is incomplete e.g. Facilitation of reasonable accommodations tracking and reporting for all current/former civilian schedule B personnel [of ALL OS Operations/Divisions vs. OS Executive Branch functioning Components/Divisions (i.e. OS/EEO vs. OIG/OAS) subordinate organizations, in varying demographic patterns (i.e. overall figure total(s) compiled by Region Groups/Divisions, gender, age range, additional protected class status association...etc.) delineating varying patterns of accommodations and OIG's normalized trend facilitation (i.e. percentage mean, median, and mode compiled by length of employment, # of day(s) engaged in interactive process, length of time involved in the multiple stages of processing a reasonable accommodation request, denial vs. approval determination...etc.) of those] having a disability and/or have requested reasonable accommodation(s)/work place modification(s), for the last 5 years or better; see Case. 2011-1282 FOIA Request for the continuance of the partial processing of FOIA Request(s) NOTED HEREIN that have NOT been fulfilled. I will follow-up promptly and update the U.S. Office of Special Counsel, the U.S. Office of Federal Operations Agency Administration and the U.S. House Congressional Committee on Oversight & Government Reform.

P.S. It would also be helpful and less burdensome on the FOIA Analyst, if top tier data mining of Electronically Stored Information (ESI) be segregated either by civilian schedule B employees having disability or civilian schedule B employees having requested such reasonable accommodations be categorized first by executive or non-branch employee.

Please continue processing both freedom of information act request fully and completely; for there is still a pending urgent matter! I encourage your support, so that I may finally, let the shameful wall of exclusion come tumbling down...

Best Regards,

Moshea (John) Jones

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 15, 2016

Moshea John Jones
310 WOODSTOCK DR SW
ATLANTA, GA 30331

Appeal Number: 16-10945-A
Case Style: Moshea Jones v. Secretary, U.S. Department of
Agency Docket Number: 0120122573

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of (14) days from this date, this appeal will be dismissed by the clerk without further notice unless the default(s) noted below have been corrected:

The original check paid to the court was returned by the bank as insufficient. Therefore, you must pay to the docketing fee **or** request leave to proceed in forma pauperis on appeal (form enclosed).

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Denise E. O'Guin, A/caw
Phone #: (404) 335-6188

Enclosure(s)

DIS-1 Deficiency

Court Name: USCA 11 Office of the Clerk
Division: 1
Receipt Number: 4708002352
Cashier ID: tporter
Transaction Date: 03/16/2016
Payer Name: Moshea Jones

CASE DOCKETING FEE

For: Moshea Jones
Amount: \$500.00

CASH

Amt Tendered: \$500.00

Total Due: \$500.00
Total Tendered: \$500.00
Change Amt: \$0.00

Filing Fee for Case No. 16-10945

Only when a bank clears the check, money order, or verifies credit of funds is the fee or debt officially paid or discharged. A \$53 fee will be charged for any payment returned/denied for insufficient funds.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

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March 29, 2016

Moshea John Jones
310 WOODSTOCK DR SW
ATLANTA, GA 30331

Appeal Number: 16-10945-A
Case Style: Moshea Jones v. Secretary, U.S. Department of
Agency Docket Number: 0120122573

You are receiving this notice because you have not completed the below required filing(s)
pursuant to 11th Cir. Rule 26.1-1:

Certificate of Interested Persons and Corporate Disclosure Statement (CIP) pursuant to 11th Cir.
R. 26.1-1(a)

Pursuant to 11th Cir. R. 26.1-5(c), failure to comply with these Rules may result in dismissal of
the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or
other sanctions on counsel, the party, or both.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Denise E. O'Guin, A/caw
Phone #: (404) 335-6188

Enclosure(s)

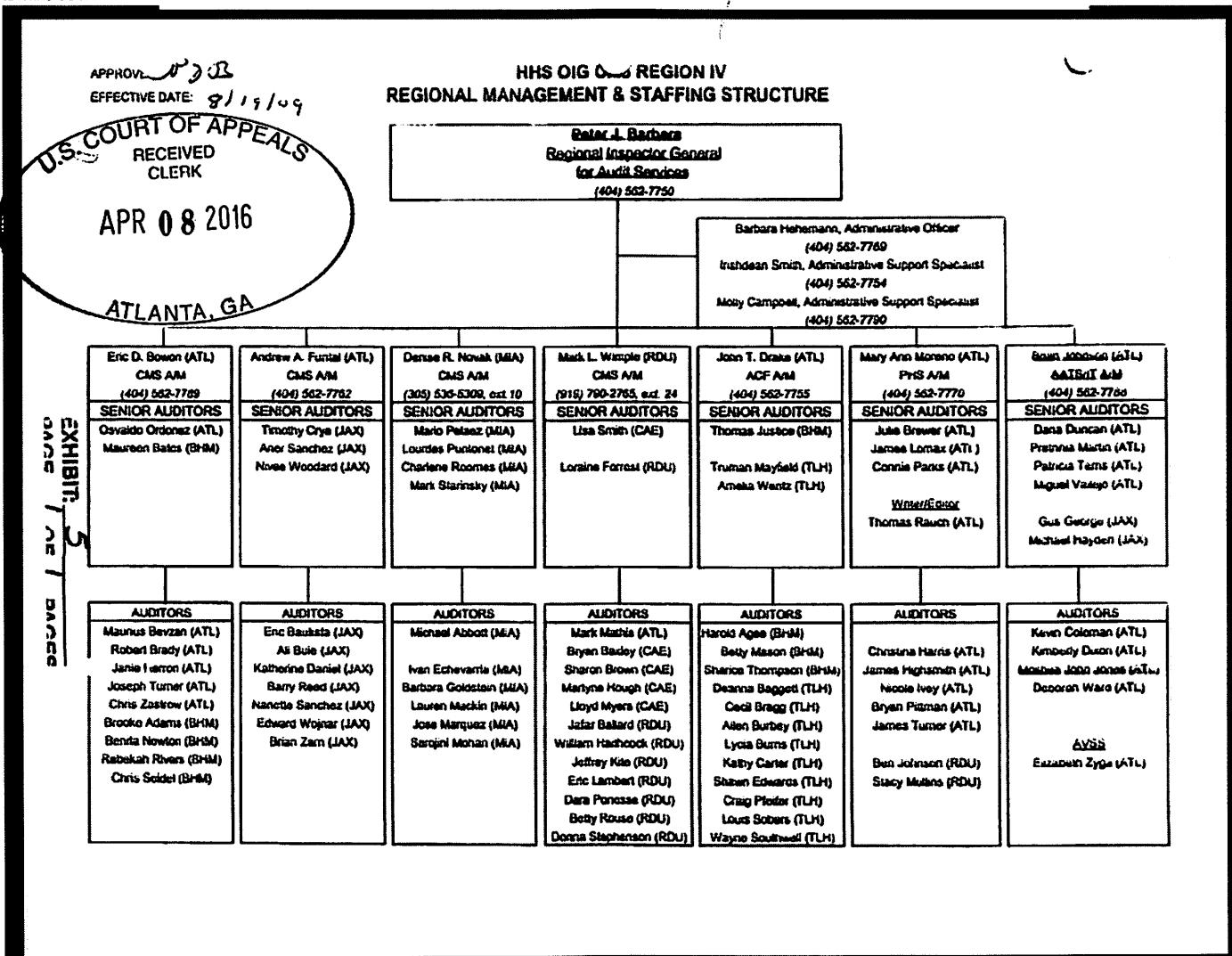
CIP Deficiency Letter

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Certificate of Interested Persons & Corporate Disclosure Statement

THEN Region IV (OIG/HHS/OS/OAS) United States Regional Inspector General for Audit Services, Peter J. Barbera



[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Conway
First name	Alexis
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Alexis S. Conway
Office of Counsel to the Inspector General
U.S. Department of Health & Human Services
Cohen Bldg. – Room 5527
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Americans (citizens of the United States [of America]) with disability/disabilities [non-schedule A hire(s)/applicant(s)] qualified & competitively competing.

Susan Callahan

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



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Garfield Daley

Government Information Specialist
FOI/Privacy Acts Division
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

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Robert Eckert

Carlton M. Hadden, Director Office of Federal Operations within the U.S. EEOC

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



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Appellant THEN Office of Inspector General (OIG) Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services, Region IV, Information Technology Auditor Law-enforcement official, M. John Jones

Hon. Lana Layton Administrative Trial Judge of the Equal Employment Opportunity Commission OFO
ATLANTA DISTRICT OFFICE

Sam Olens, Attorney General of Georgia
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Atlanta, GA 30334
Phone: 404 656-3300

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

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Middle name	V.
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Phone	(202) 690-6674
Fax	(202) 690-6758
Internet e-mail	Bonita.White@HHS.GOV

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Bonita V. White, Director
 Department of Health and Human Services
 Hubert H. Humphrey Bldg., Room 347-F
 200 Independence Avenue, SW
 Washington, DC 20201

THEN Agency HHS EEO Director & Office of the Secretary EEO Compliance Division Director, and also Acting Office of Diversity Management & EEO (ODME) Director, Bonita V. White

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

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Middle name	R
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 330 Independence Avenue, SW
 Room 5527, Cohen Building
 Washington, DC 20201

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

ANTHEM, INC.

(Exact name of registrant as specified in its charter)

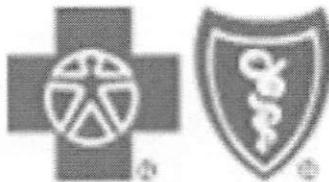
Indiana
(State or other jurisdiction
of incorporation)

001-16751
(Commission
File Number)

35-2145715
(IRS Employer
Identification No.)

120 Monument Circle
Indianapolis, IN 46204
(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code: (317) 488-6000



BlueCross BlueShield
of Georgia

ANTHEM, INC.

(Exact name of registrant as specified in its charter)

Indiana
(State or other jurisdiction
of incorporation)

001-16751
(Commission
File Number)

35-2145715
(IRS Employer
Identification No.)

120 Monument Circle
Indianapolis, IN 46204
(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code: (317) 488-6000

ANTM (NYSE)

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



Apple Inc.

(Exact name of Registrant as specified in its charter)

California
(State or other jurisdiction
of incorporation)

001-36743
(Commission
File Number)

94-2404110
(IRS. Employer
Identification No.)

1 Infinite Loop
Cupertino, California 95014
(Address of principal executive offices) (Zip Code)

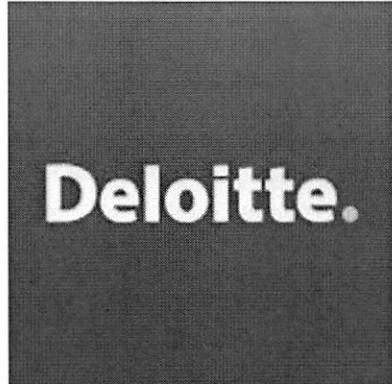
(408) 996-1010
(Registrant's telephone number, including area code)

AAPL (NASDAQ)

Deloitte

Company · deloitte.com

Deloitte Touche Tohmatsu Limited /də'lɔɪt 'tu:ʃtə'ma:tsu:/, commonly referred to as Deloitte, is a multinational professional services firm headquartered in New York City in the United States. Wikipedia



CEO: Punit Renjen

Headquarters: New York City, NY

Revenue: 35.2 billion USD (2015)

Founder: William Welch Deloitte

Founded: 1845, London, United Kingdom

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Ernst & Young

Company · ey.com

Ernst & Young is a multinational professional services firm headquartered in London, United Kingdom. Wikipedia



CEO: Mark Weinberger

Headquarters: London, United Kingdom

Revenue: 28.7 billion USD (2015)

Founder: Arthur Young

Founded: 1849, England, United Kingdom

Federal Reserve Bank of Atlanta
1000 Peachtree St NE, Atlanta GA 30309

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Fulton County Board of Commissioners



Chairman John H. Eaves
District 7, At-Large



Lee Morris
District 3



Vice Chairman Liz Hausmann
District 1



Bob Ellis
District 2



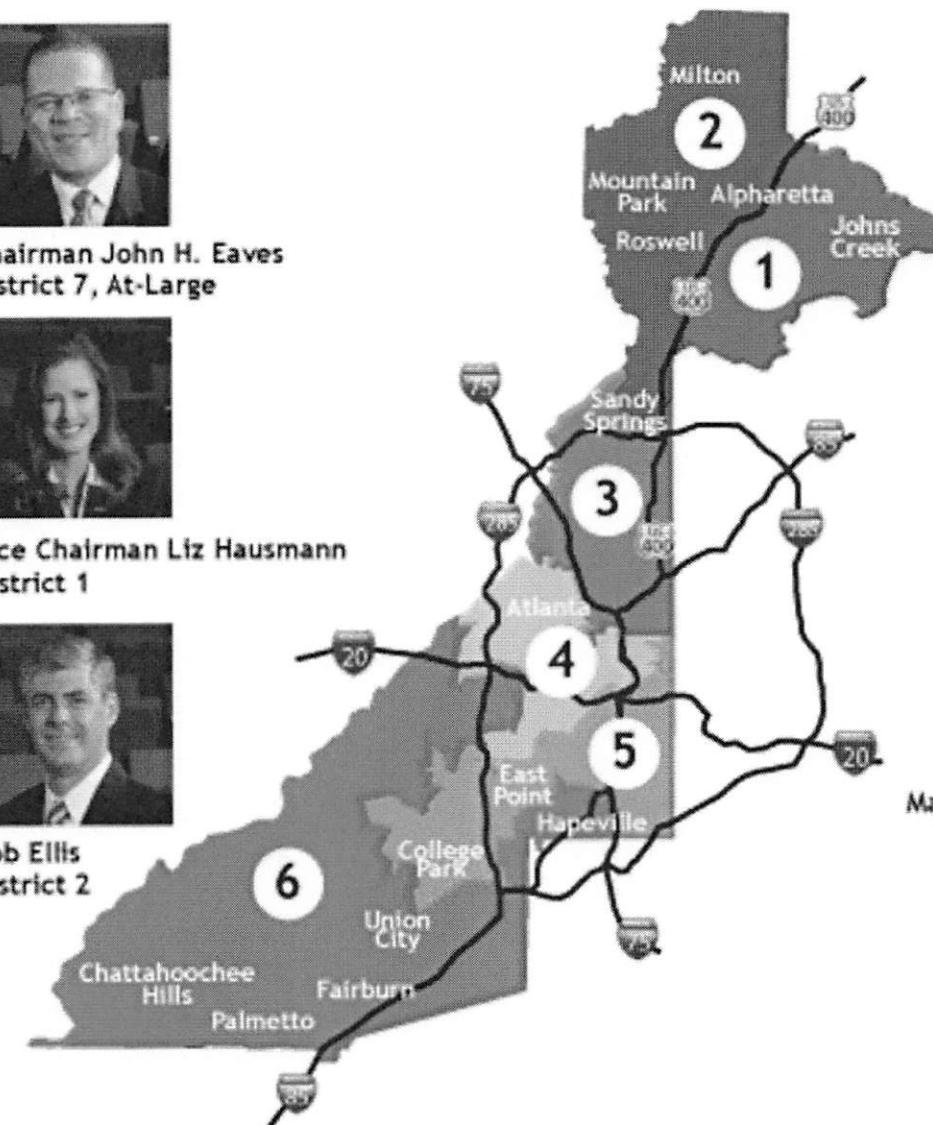
Joan P. Garner
District 4



Marvin S. Arrington, Jr.
District 5



Emma I. Darnell
District 6



Fulton County Board of Commissioners <of the State of Georgia>
141 Pryor Street SW, 10th floor
Atlanta, GA 30303
Phone: 404-612-8200

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

KPMG

Company · kpmg.com



KPMG is a professional service company, being one of the Big Four auditors, along with Deloitte, EY and PwC. Seated in Amsterdam, the Netherlands, KPMG employs 174,000 people and has three lines of services: audit, tax, and advisory. Wikipedia

Headquarters: Amstelveen, Netherlands

Revenue: 24.44 billion USD (2015)

Customer service: 1 (866) 246-9224

Founded: 1987

Founders: Klynveld Main Goerdeler, Marwick Mitchell & Co., Klynveld Kraayenhof & Co., William Barclay Peat & Co.

**INTERNATIONAL BUSINESS MACHINES
CORPORATION**

(Exact name of registrant as specified in its charter)

New York
(State of incorporation)

1-2360
(Commission File Number)

13-0871985
(IRS employer identification No.)

ARMONK, NEW YORK
(Address of principal executive offices)

10504
(Zip Code)

914-499-1900
(Registrant's telephone number)

IBM (NYSE)

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Commission File Number: 0-14278

MICROSOFT CORPORATION

(Exact name of registrant as specified in its charter)

Washington

(State or other jurisdiction of incorporation or organization)

One Microsoft Way, Redmond, Washington

(Address of principal executive offices)

91-1144442

(I.R.S. Employer Identification No.)

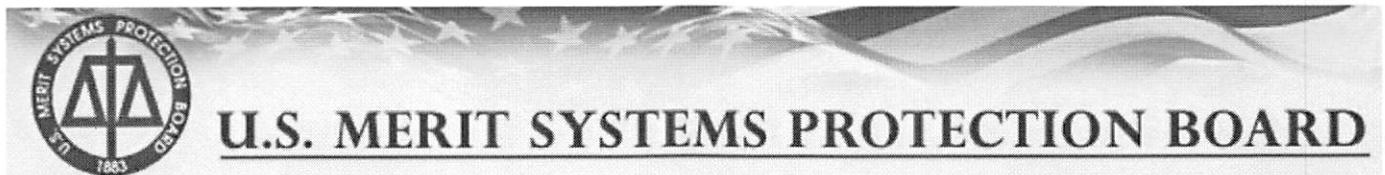
98052-6399

(Zip Code)

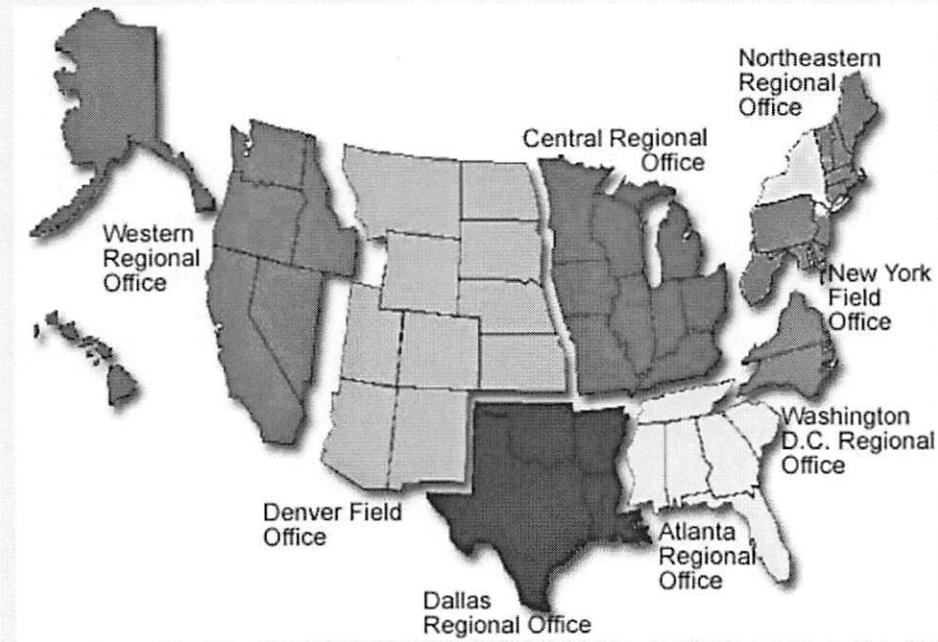
(425) 882-8080

(Registrant's telephone number, including area code)

MSFT (NASDAQ)



MSPB Jurisdiction



Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Merit Systems Protection Board
Washington DC Regional Office
1800 Diagonal Road, Suite 205
Alexandria, VA 22314-2840



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pwc.com

PricewaterhouseCoopers is a multinational professional services network. It is the largest professional services firm in the world, and is one of the Big Four auditors, along with Deloitte, EY and KPMG.

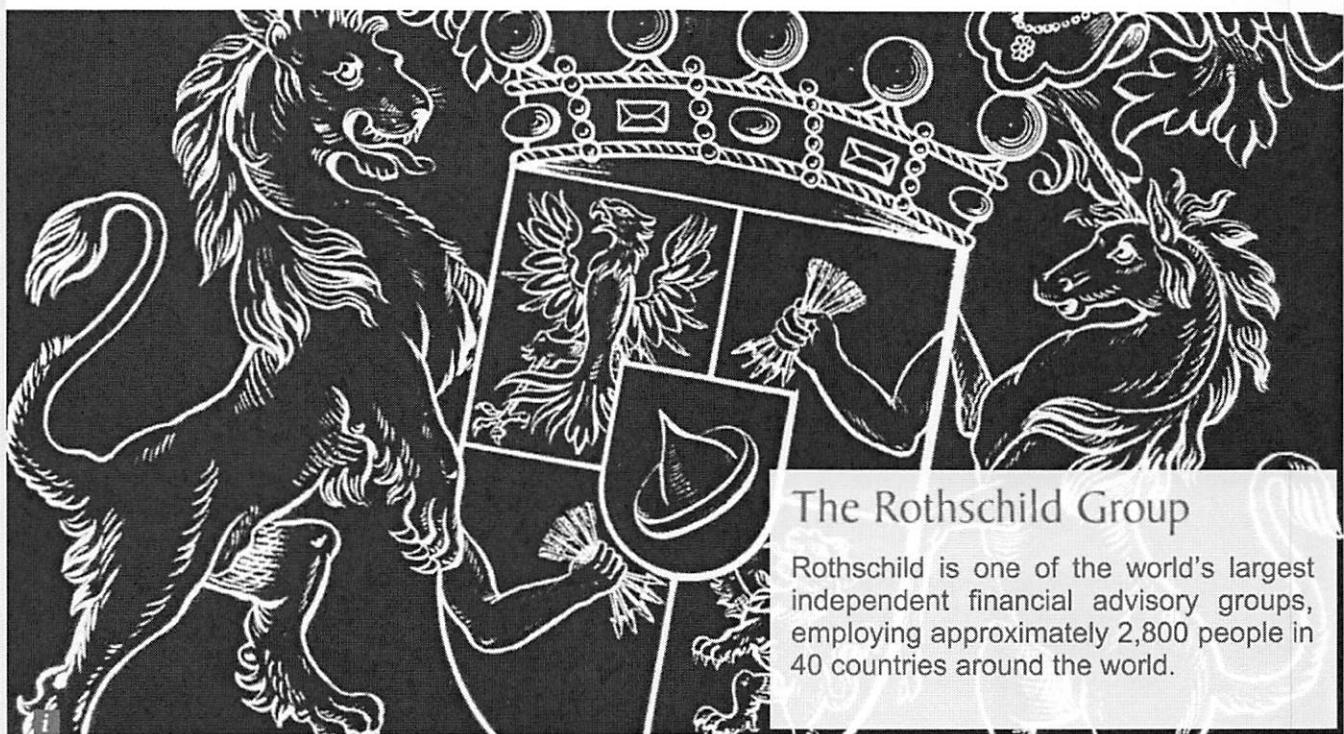
[Wikipedia](#)

Headquarters: New York City, NY

Revenue: 35.4 billion USD (2015)

Founded: 1998

Acquisition date: 2002



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Global Financial Advisory

Rothschild Belgique

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Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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• **Trust**

• **Rothschild Bank (CI) Limited**
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Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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• Wealth Management

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• Trust

• Wealth Management

• **Rothschild**

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• Global Financial Advisory

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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New Zealand

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Fax: + 64 9 366 1482

Trust

Rothschild

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Fax: +86 10 6655 5880

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18 Chater Road
Central Hong Kong SAR
People's Republic of China
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Fax: +852 2868 1680

Global Financial Advisory

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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Central Hong Kong SAR
People's Republic of China
Tel: +852 2525 6300
Fax: +852 2868 1680

• Trust
• Wealth Management

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No.1266 Nanjing XiLu
200040 Shanghai
People's Republic of China
Tel: +86 21 2203 8000
Fax: +86 21 2203 8001

• Global Financial Advisory

• **Rothschild**
Philippines
Global Financial Advisory

• Our Manila team is contactable through Singapore.

• **Rothschild**
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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Fax: + 65 6532 4166

Trust

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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Wealth Management

Data Protection Officer

Rothschild (Singapore) Limited
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Global Financial Advisory

Personal Data Protection Statement

Data Protection Officer

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Trust

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Data Protection Officer

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Wealth Management

Personal Data Protection Statement

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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[Appeal and/or] Agency Review No. 16-10945

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[Appeal and/or] Agency Review No. 16-10945

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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• Trust

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• Wealth Management

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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• Our Hanoi team is contactable through Singapore.

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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Shire

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Investor Correspondence- UK

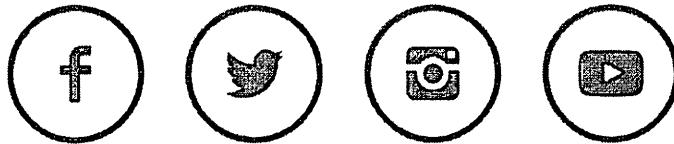
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USA

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



University of Florida
Gainesville, FL 32611
(352) 392-3261

Statement Regarding Oral Argument

The Appellant submits that oral argument would be helpful since the administrative trial Judge of the Equal Employment Opportunity Commission OFO disallowed THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera, the Appellant's supervisor, from testifying as to vitiate the Appellant's Bivens/42 U.S.C. § 1983 claims against this individual, and, the decision process would be significantly aided by its allowance. This request is made pursuant to Fed R. App. 34(c) and 11th Cir. R. 28-2(c).

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

[Appeal and/or] Agency Review No. 16-10945

In: the United States Court of Appeals for the Eleventh Circuit

56 Forsyth Street, NW
Atlanta, Georgia 30303



Moshea John Jones, a/k/a Gerry W.
Complainant (Appellant) (Petitioner),

v.

Sylvia Mathews Burwell, Secretary,
U.S. Department of Health & Human Services,
Agency (Respondent)

Appellant THEN Office of Inspector General (OIG) United States Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services (OAS), Region IV, Information Technology Auditor Law-enforcement official, M. John Jones [Request and/or] Motion to the office of the Clerk or Cir. Judge(s) for the United States Court of Appeal for the 11th circuit hold briefing schedule until United States Equal Employment Opportunity Commission Office of Federal Operations sends OFO Docket No. # 0120131578; And OFO Docket Nos. # 0120122573 {[Agency No: HHS-OS-0013-2010] EEOC Case No: 410-2011-00227X}, 0120122702 {[Agency No: HHS-OS-0034-2010] EEOC Case No: Hearing Requested (see OFO APPEAL Form 573 OFO DOCKET No. # 0120131578} record(s) to the United States Court of Appeals for the 11th circuit!

**Appellant THEN Office of Inspector General (OIG) United States
Department of Health and Human Services (HHS), Office of the
Secretary (OS), Office of Audit Services (OAS), Region IV, Information
Technology Auditor Law-enforcement official, M. John Jones [Request
and/or] Motion to the office of the Clerk or Cir. Judge(s) for the United
States Court of Appeal for the 11th circuit hold briefing schedule until
United States Equal Employment Opportunity Commission Office of
Federal Operations sends OFO Docket No. # 0120131578; And OFO
Docket Nos. # 0120122573 {[Agency No: HHS-OS-0013-2010] EEOC
Case No: 410-2011-00227X}, 0120122702 {[Agency No: HHS-OS-0034-
2010] EEOC Case No: Hearing Requested (see OFO APPEAL Form 573
OFO DOCKET No. # 0120131578} record(s) to the United States Court
of Appeals for the 11th circuit!**

Or at least extension of 14 days to give the DHHS Agency flexibility to consent to a request of permission to give/allow the Appellant THEN Complainant, Region IV (OIG/HHS/OS/OAS) Information Technology Auditor Law-enforcement official, M. John Jones to send/serve [a] brief and/or motions electronically to/on DHHS Agency.

In addition to this first request, I am asking the court to grant electronic submission of one of the 4 briefs or 7 briefs ... Owed due to this United States Court of Appeals for the Eleventh Circuit... And perhaps some clarification on whether or not the Appellant is required to file 4 or 7 briefs because I, Appellant THEN Office of Inspector General (OIG) United States Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services (OAS), Region IV, Information Technology Auditor Law-enforcement official, M. John Jones, say/declare I have a class complaint, and, I can prove it using Fed.

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

R. Evid. 803(5) 'Recorded Recollection and Memorandum' and Fed. R. Evid. 803(6) 'Records of Regularly Conducted Activity' inserted/shown directly below [;AND that way I don't violate establish local/federal rules of the United States Courts that declare this motion should not be more than 14 pages].

From: **Moshea John Jones** moshea.john.jones@me.com
 Subject: **OFO Docket No. # 0120131578; And OFO Docket Nos. # 0120122573 [Agency No: HHS-OS-0013-2010] EEOC Case No: 410-2011-00227X, # 0120122702 [Agency No: HHS-OS-0034-2010] EEOC Case No: Hearing Requested (eeo OFO APPEAL Form 573 OFO DOCKET No. # 0120131578)**

Date: **24 June 2015 15:16**
 To: **ccf.eeoc@eeoc.gov, JOSEPH POPIDEN** joseph.popiden@eeoc.gov
 Cc: **inspector.general@eeoc.gov, Jamie_fly@rubio.senate.gov, marvin_figueroa@warner.senate.gov, Jennifer_Hayee@perdue.senate.gov, lana.layton@eeoc.gov**
 Bcc: **Moshea (John) Jones** stu60241@gmail.com

This is an acknowledgment of the March 24, 2015 email in which this unit of EEOC administrative magistrate provided a upload portal as an alternative for me to submit my large capacity electronic document which is approximately 1,000 pages; I'm still currently engaged in that process, however, I just wanted to make sure the following below was understood about my class complaint/certification-efforts and the other complexity with respect to Issue VI that state as follows: Haa genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder (ADD/ADHD) retaliation by Brian C. Johnson and Peter J. Barbera, that which is prohibited by 42 U.S.C. § 2000ff-6 and in violation of 42 U.S.C. § 2000ff-4, that which occurred in OIG Federal Career Intern Program against Appellant caused subsequent Title I GINA violation and ADAAA violations by BCBSCG and Fulton County Government of Georgia against Appellant ? AND YES, I have 42 U.S.C. § 1983 claims against these two individuals in Issue VI, in additional to others federal Law enforcement agents and federal policymaking officials/employees and/or former employees, which I will of course provide details of in the upload submittal via EEOC portal that which I mentioned was provided.

**HANDICAPPED / DISABLED
DEPENDENT DETERMINATION**
 P.O. Box 4415
 Atlanta, GA 30302
 Fax: 404-849-2040

**Blue Cross
Blue Shield
Georgia**

**Blue Cross
Blue Shield
Georgia**

Jones Evelyn Elaine		1001398001	71426401B03
310 Woodstock Dr SW Atlanta GA 30331		404 699-0574	
Jones Sylvia Mathews		911615	257-51-8648
Handicapped Category		None	1993A 1998

Case: 16-10945 Date Filed: 04/09/2016 Page: 4 of 41
Appeal and/or Agency Review No. 16-10945

[Appeal and/or] Agency Review No. 16-10343

1. Name of Physician	2. Date	3. Name of Hospital	4. Room No.	5. Name of Hospital	6. Room No.
6. Is dependent listed as Parent, Grandparent, etc. No		7. Is dependent eligible for coverage? Yes No		8. Name of Hospital or Clinic for dependent	
Name of dependent (Last, First, Middle Initial)		Address of dependent (City, State, Zip Code)		Name of hospital or clinic (City, State, Zip Code)	
U.S. DEPTHS / UFG / OAS		5600 Fisher Lane Rockville MD 20857		16613	
Patient ID. (Last, First, Middle Initial)		Name of dependent (Last, First, Middle Initial)		Name of hospital or clinic (City, State, Zip Code)	
John H. Hen		John H. Hen		John H. Hen	
OTHER INSURANCE POLICIES PROVIDED FOR DISABILITY, INJURIES OR ACCIDENT BENEFITS FOR THE DEPENDENT					
1. Life Insurance	2. Accidental Death and Dismemberment	3. Auto Insurance	4. Health Insurance	5. Long Term Care Insurance	6. Other
<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A
<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A
<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A
Is dependent eligible for 2012 Medicare Part A, Part B and Part D? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Address of dependent's home (City, State, Zip Code)		
Is dependent currently working Full or Part Time? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Is dependent receiving disability benefits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
THE FOLLOWING MUST BE COMPLETED AND CERTIFIED BY A PHYSICIAN					
1. The above named dependent is presently receiving full-time employment by reason of (Check off):			2. Handicapped or partially <input checked="" type="checkbox"/> Mental handicap <input type="checkbox"/> Physical handicap <input type="checkbox"/> Epilepsy		
<input checked="" type="checkbox"/> Mental handicap <input type="checkbox"/> Physical handicap <input type="checkbox"/> Epilepsy			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Diagnosis of condition(s). Please list any condition(s) status "showed a number" above (Indicate title or name of the condition) No. 1 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No					
Attention Deficit Hyperactivity Disorder (ADHD)					
Name of treating physician					
ADHD - zanam					
SOC-6 Date(s): 314.01; 315.09					
3. Progress and estimated number of months on drug(s): progress - fair progress; fit for very severe case; just began taking medication					
4. Has dependent been treated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name of hospital, located on an attach. 1			
Address No., City, Year		Address of hospital (City, State, Zip Code)			
Address of physician					
Name of physician					
Last dependent lesion today and continually changed on constantly present; but adapting to any occupation environment or participation					
Has dependent been able to engage in any usual occupation or do any work other than usually required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Does dependent require total or partial assistance with work					
Mo. Day Year Jan. 21 2030 Feb. 15 2030					

PHYSICIANS CONSULTED SINCE DISABILITY BEGAN	ADDRESS	DATES CONSULTED	
		FROM	TO
Leonard J. Wein, MD NG, MD	3188 4th. Rd.; Smyrna 265 Boulevard Atlanta, GA 30312	5-9-2011	present 5-8-2011
Leslie T. Cottrell, MD	1601 Maple St. Carrollton, GA 30118	8-15-2003	5-23-2006
Gloria Richards, MD	3915 Cascado Rd SW, Atlanta, GA 30331	9-26-2001	12-17-2009
Name of Attending/Admitting Physician	Signature of Physician certifying above information	Date Signed	
Leonard J. Wein, MD	<i>[Signature]</i>	8/17/11	

I agree that any coverage which may be issued to the dependent named herein shall be binding only if all statements in this certification are complete and true, and if approved by the Blue Cross and Blue Shield of Ontario Plan Administrator. The Plan Administrator reserves the right to cancel coverage if any statement is found to be untrue.

I, the undersigned, hereby certify that the above statements are each and at present to the best of my information, knowledge, and belief, and that they are made for the purpose of securing the disability benefits set forth in the disability provision contained in the above described policy or policies. I agree that these statements and the statements of all physicians who attended or treated the insured shall constitute the basis of this claim, and further agree that the furnishing of this form or any other forms supplemental thereto by Blue Cross and Blue Shield of Georgia (The Plan) shall not be considered an admission by it of any liability, nor a waiver of any of its rights or defenses.

The undersigned hereby waives on behalf of himself or of any person who shall be interested in the policies hereinbefore mentioned, all provision of law forbidding or restricting any physician or other person who, at any time, inspects or examines the insured form disclosed in the courts or otherwise, any knowledge, information or belief which he thereby acquires, and I hereby specifically authorize such persons, including hospitals, to freely communicate this knowledge to the Plan, if it requests them to do so.

Trelyn Elaine Jones

SIGNATURE (if signed by anyone other than the insured, explain on reverse side)

8/5/2011

DATE

Sherri Ray

WITNESS

**PLEASE READ CAREFULLY
CONDITIONS OF ELIGIBILITY**

Under the provisions of the Contract coverage, a dependent who is mentally or physically disabled may continue coverage to any age provided the dependent is:

1. Unmarried, and
2. So incapacitated as to be incapable of self-sustaining employment, and
3. Mentally or physically disabled prior to attainment of the age where coverage would otherwise be terminated.
4. No lapse of coverage greater than 60 days.

IMPORTANT POINTS:

Neither a reduction in work capability, nor inability to find employment, are, of themselves, evidence of eligibility for continuation of coverage.

Blue Cross and Blue Shield contract benefits will not be provided when such benefits are available in whole or in part, under the laws of the United States of America or any state or political subdivision thereof.

INSTRUCTIONS

We want to complete the processing of your application at the earliest possible date. In order to avoid delay, please read and follow the instructions printed below.

I. APPLICATION

- A. Please answer all questions fully. If you do not have sufficient space, you may attach a separate sheet.
- B. If you are self-employed, please attach a separate sheet indicating the present status of your business (i.e. sold, leased, liquidated, etc.)

II. ATTENDING PHYSICIAN'S STATEMENT

- A. It is imperative that we have complete medical proof of your dependent's disability. This should be supplied by the physician(s) who treated your dependent during the entire period of disability. If additional space is needed, please attach a separate sheet or complete office records.
- B. Please ask your physician to answer all questions fully and to give exact dates. If any changes and/or corrections are necessary, please be sure that each change is initialed by the physician.

An Independent Licensee of the Blue Cross Blue Shield Association

PAGE 2

Does NOT Title VII protect against pattern and practice discrimination, which would include a pattern and practice of disability employment discrimination that which is still occurring by the Department of Health and Human Services Office of the Secretary of the United States of America? And does this require this court or the Supreme Court to halt the Department of Health and Human Services Office of the Secretary of the United States of America from erecting a national healthcare exchange account?

	HANDICAPPED / DISABLED DEPENDENT DETERMINATION P.O. Box 4445 Atlanta, GA 30302 Fax: 404-842-8040			
Contract holder must fill in all fields on the application or it will not be processed.				
Full Name of Contract Holder (Last, First, Middle) Jones Evelyn Elaine		Group Number 1001398001	Contract Number 714A6401803	
Mailing Address 310 Woodstock Dr SW Atlanta GA 30331		City Atlanta	State GA	Zip Code 30331
Full name of handicapped/disabled dependent (Last, First, Middle) Jones Moshea John		Birthdate 9/16/85	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Social Security No. of Dependent 259-51-5648
Marital Status of Dependent <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single		Relationship To Contract Holder Son		Nature of Disability mental handicap
Is dependent listed as Income Tax exemption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was or is dependent employed for wages? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of Dependent (s) last Employer U.S. DHHS/DFG/OAS		Address of Dependent (s) last Employer (Street, City, State, Zip Code) 5600 Fisher Lane Rockville MD 20857		Average Weekly Earnings \$16613
Reason for Termination Written behavioral ammunition/collaborating deficiencies 01/30/10		Termination Date 01/30/10	Does dependent now have any Hospital/Medical coverage? If "Yes", complete details below. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Only current coverage	
OTHER INSURANCE POLICIES PROVIDING FOR DISABILITY, SICKNESS OR ACCIDENT BENEFITS FOR THE DEPENDENT				
Company Name N/A	Address (Street, City, State, Zip Code) N/A	Policy or Certificate Number N/A		
N/A	N/A	N/A		
N/A	N/A	N/A		
Is dependent eligible for care under Federal, State or Local Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes", give type of care N/A		
Address of agency providing care (Street, City, State, Zip Code) N/A		Is dependent congenital? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is dependent currently receiving Social Security benefits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes", what was the effective date? N/A If "No", have benefits been denied? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
THE FOLLOWING MUST BE COMPLETED AND CERTIFIED BY A PHYSICIAN				
1. The above named dependent is presently incapable of self-sustaining employment by reason of (Check One) <input checked="" type="checkbox"/> Mental Handicap <input type="checkbox"/> Physical Handicap <input type="checkbox"/> Total Disability			Is handicap congenital? <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Diagnosis of condition(s), illness or injury causing status checked in Number 1 above (Describe fully the nature of the disability)			Date of Disability Mo. ? Day ? Year 1992	
Attention Deficit Hyperactivity Disorder (ADHD)				
Name of Disabling Diagnosis ADHD - severe				
ICD-9 Code(s) 314.01; 315.09				
3. Prognosis and estimated number of months or years poor - fair prognosis; pt has very severe case; just began taking medication				
4. Was dependent hospitalized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name of hospital, if admitted as an inpatient		
Admitted (Mo., Day, Year)		Discharged (Mo., Day, Year)		Address of hospital (Street, City, State, Zip Code)
Admitting Diagnosis			ICD-9 Code	
Date dependent became totally and continuously disabled and completely prevented from engaging in any occupation whatsoever for compensation Mo. Jan. Day 21 Year 2009				
Has dependent been able to engage in any gainful occupation or do any work since the disability began? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Date dependent resumed work or expects to resume work Mo. Feb. Day 15 Year 2014	

PHYSICIANS CONSULTED SINCE DISABILITY BEGAN	ADDRESS	DATE CONSULTED	
		FROM	TO
Leonard J. Weis, MD NG, MD	3188 441. Rd. ; Smyrna 265 Boulevard Atlanta, GA 30312	5-9-2011	present
Leslie T. Cottrell, MD	1601 Maple St, Carrollton, GA 30118	2-14-2010	5-8-2011
Gloria Richards, MD	3915 Cascado Rd SW, Atlanta, GA 30331	8-15-2003	5-23-2006
Leonard J. Weis, MD	Leslie T. Cottrell	Date Signed	8/17/11

I agree that any coverage which may be issued to the dependent named herein shall be binding only if all statements in this certification are complete and true, and if approved by the Blue Cross and Blue Shield of Georgia Plan. Furthermore, the Plan may declare ineffective the applicant coverage if any statement is not complete and true.

I, the undersigned, hereby certify that the above statements are each and all complete and true to the best of my information knowledge and belief, and that they are made for the purpose of securing the disability benefits set forth in the disability provision contained in the above described policy or policies. I agree that these statements and the statements of all physicians who attended or treated the insured shall constitute the basis of this claim, and further agree that the furnishing of this form or any other form supplemental thereto by Blue Cross and Blue Shield of Georgia (the Plan) shall not be considered an admission by it of any liability, nor a waiver of any of its rights or defenses.

The undersigned hereby waives on behalf of himself or of any person who shall be interested in the policies hereinbefore mentioned, all provision of law forbidding or restricting any physician or other person who, at any time, attended or examined the insured from testifying in the courts or otherwise, any knowledge, information or belief which he hereby acquired, and I hereby specifically authorize all such persons, including hospitals, to freely communicate their knowledge to the Plan, if it requests them to do so.

SIGNATURE (I signed by anyone other than the insured, print on reverse side)

DATE

WITNESS

**PLEASE READ CAREFULLY
CONDITIONS OF ELIGIBILITY**

Under the provisions of the Contract coverage, a dependent who is mentally or physically disabled may continue coverage to any age provided the dependent is:

1. Unmarried, and
2. So Incapacitated as to be incapable of self-sustaining employment, and
3. Mentally or physically disabled prior to attainment of the age where coverage would otherwise be terminated.
4. No lapse of coverage greater than 60 days.

IMPORTANT POINTS:

Neither a reduction in work capability, nor inability to find employment, are, of themselves, evidence of eligibility for continuation of coverage.

Blue Cross and Blue Shield contract benefits will not be provided when such benefits are available in whole or in part, under the laws of the United States of America or any state or political subdivision thereof.

INSTRUCTIONS

We want to complete the processing of your application at the earliest possible date. In order to avoid delay, please read and follow the instructions printed below.

I. APPLICATION

- A. Please answer all questions fully. If you do not have sufficient space, you may attach a separate sheet.
- B. If you are self-employed, please attach a separate sheet indicating the present status of your business (i.e. sold, leased, liquidated, etc.)

II. ATTENDING PHYSICIAN'S STATEMENT

- A. It is imperative that we have complete medical proof of your dependent's disability. This should be supplied by the physician(s) who treated your dependent during the entire period of disability. If additional space is needed, please attach a separate sheet or complete office records.
- B. Please ask your physician to answer all questions fully and to give exact dates. If any changes and/or corrections are necessary, please be sure that each change is initialed by the physician.

An Independent Licensee of the Blue Cross Blue Shield Association

11025 07/05

PAGE 2

There are over 50 million Americans with disabilities; Should "unfair business practices" against Americans with disability be allowed to continue, that which is STILL occurring by the DHHS OS of the United States of America...?**

...Let the shameful wall of exclusion, finally come tumbling down!

****an "unfair business practice" occurs when it offends an established public policy or when the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to customers.**

Has Department of Health & Human Services (DHHS), Office of the Secretary (OS) engaged in a pattern and practice of disability employment discrimination, that which is systematic and tantamount to class-wide disparate treatment with respect to the non-facilitation of FAR 39.2 approved reasonable electronic information & technology accommodation(s)/workplace modification(s) procured by the Department of Defense, in violation of 29 U.S.C. § 794, 794d, and 42 U.S.C. § 1985; perpetuated by this Agency's Office of Inspector General (OIG) and its Office of Counsel to the Inspector General (OCIG), the Agency's General Counsel?

~~Has Department of Health & Human Services (DHHS)~~

~~Office of the Secretary (OS) engaged in a pattern and practice of disability employment discrimination that is systematic and tantamount to class wide disparate treatment in violation of 29 U.S.C. § 794, 794d, and 42 U.S.C. 1985 with respect to the non facilitation of FAR 39.2 approved reasonable eleetronic information & technology accommodation(s)/workplace modification(s), procured by the Department of Defense; perpetuated by this Agency's Office of Inspector General (OIG) and its Office of Counsel to the Inspector General (OCIG), the Agency's General Counsel?~~

The Appellant made timely motion for class certification under EEOC administrative magistrate rules 29 C.F.R. § 1614.204(b) and Fed. R. Civ. P. Rule 23 during 2nd day of EEOC Hearing No. 410-2011-00227X Agency EEO Complaint No. HHS-OS-0013-2010; "I'm not certifying this case as a class case" is the bench ruling of Hon. Lana Layton, U.S. EEOC Atlanta District Office administrative trial judge on this determination, however, Fed. R. Civ. P. Rule 23(f) substantive due process right to appeal such determination is deprived when no order of decree from Hon. Lana Layton exist either granting or denying class action certification; in violation of Fed. R. Civ. P. Rule 23(c)(1)(A). "Fed. R. Civ. P. 23(f) is clear and unambiguous as to its application. Only those orders granting or denying class certification may be pursued in the appellate courts immediately."

The District Court order from which appellant appeals EEOC No. 410-2011-00227X Agency No. HHS-OS-0013-2010 still now before OFO appellate tribunal of the EEOC under consolidated Docket No. # 0120131578 appeal implementing EEOC decision shown directly below and highlighted in accordance with FRE 803(8) is NOT an order granting or denying class certification;


U.S. EQUAL OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 77968
Washington, DC 20013

Moshea J. Jones,
Complainant,
v.
Kathleen Sebelius,
Secretary,
Department of Health and Human Services,
Agency.

Appeal Nos. 0120122573, 0120122702
Agency Nos. HHS-OS-0013-2010, HHS-OS-0014-2010
Hearing No. 410-2011-00227X (for Appeal No. 0120122573)

DECISION

Complainant filed two separate appeals from two separate final decisions dated April 20, 2010, and May 24, 2010. In a final decision dated April 20, 2010, the Agency implemented the determination of an Administrative Judge, finding no discrimination. In a final decision dated May 24, 2010, the Agency dismissed a formal complaint. Complainant's appeals on both decisions are timely, regarding unlawful employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. We exercise our discretion to consolidate the appeals for joint processing, pursuant to 29 C.F.R. § 1614.606.

BACKGROUND

Appeal No. 0120122573, Agency No. HHS-OS-0013-2010

On April 6, 2010, Complainant filed a formal complaint.¹ The Agency accepted the following three claims for investigation:

¹ In its final decision, the Agency identified the date of filing (identified as "DOF") as "05/15/2010." However, other documents of record identify the filing date of the formal complaint as April 6, 2010.

however; Appellant THEN Complainant, Region IV (OIG/HHS/OS/OAS) Information Technology Auditor, M. John Jones moved to certify class on January 27, 2012. [29 C.F.R. § 1614.204(b); details of which begin on page 444 of trial hearing transcripts immediately shown below in accordance with FRE 803(10): Absence of Public Record or Entry determination by Order Whether Class Action to Be Maintained in contradiction of Rule 23(c)(1)(A).]

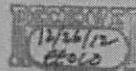


U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Office of Federal Operations

P.O. Box 77960

Washington, DC 20013



Moshea J. Jones,
Complainant,

v.

Kathleen Sebelius,
Secretary,
Department of Health and Human Services,
Agency.

Appeal Nos. 0120122573, 0120122702

Agency Nos. HHS-OS-0013-2010, HHS-OS-0034-2010

Hearing No. 410-2011-00227X (for Appeal No. 0120122573)

DECISION

Complainant filed two separate appeals from two separate final decisions dated April 20, 2010, and May 24, 2010. In a final decision dated April 20, 2010, the Agency implemented the determination of an Administrative Judge, finding no discrimination. In a final decision dated May 24, 2010, the Agency dismissed a formal complaint. Complainant's appeals on both decisions are timely, regarding unlawful employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. We exercise our discretion to consolidate the appeals for joint processing, pursuant to 29 C.F.R. § 1614.606.

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UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
ATLANTA DISTRICT OFFICE

In the Matter of:

MOSHEA JOHN JONES, EEOC No.
410-2011-00227X

Complainant, Agency No.
HHS-OS-0013-2010

v.
DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
OFFICE OF INSPECTOR
GENERAL, OFFICE OF AUDITS
ATLANTA, GEORGIA

Respondent Agency.

Nunn Federal Center
61 Forsyth Street
Suite 3T12
Atlanta, Georgia

Friday, January 27, 2012
The above-entitled matter came on
for hearing, pursuant to Notice, at 9:29 a.m.

BEFORE:

HON. LANA LAYTON, Administrative Judge

Neal R. Gross & Co., Inc.
202-234-4433

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APPEARANCES:	
On behalf of Complainant:	
MOSHEA JOHN JONES, Pro se	
On behalf of Respondent Agency:	
E. REYNOLDS WILSON, Senior Counsel	1 PROCEEDINGS
ALEXIS S. CONWAY, Associate Counsel	2 JUDGE LAYTON: Okay. Let's go
Office of Counsel to the Inspector General	3 ahead and go on the record. It's the --
310 Independence Ave., SW	4 January 27th, 2011, and this is the
Washington, DC 20201	5 continuation of the hearing of Moshea John
(202) 205-9212	6 Jones versus the Department of Health and
	7 Human Services. Present in the room today is
	8 myself, Matthew Pence, who is one of my
	9 interns, Rita Cherry, one of my interns, Ms.
	10 Conway, Mr. Wilson, and Mr. Jones. Ms. Conway
	11 and Mr. Wilson represent the Agency. Mr.
	12 Jones is representing himself. We concluded
	13 the last day of testimony on Wednesday,
	14 November 2nd, 2011, and I believe because of
	15 the amount of time that it took us we did not
	16 get through all of the Agency's witnesses.
	17 correct?
Also present:	18 MR. WILSON: That's correct.
.	19 JUDGE LAYTON: So who do we still
MATTHEW PENCE, Intern	20 have today for the Agency?
RITA CHERRY, Intern	21 MR. WILSON: Well, there were two
	22 additional witnesses, Kimberly Dixon, who was
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CONTENTS	
WITNESSES: DIRECT CROSS REDIRECT RECORDS	
Moshea Jones 659 638 829	1 -- who served as the auditor in charge on
Kimberly Dixon 634 653	2 several projects that Mr. Jones worked on, and
Erica Harris 667 654	3 then also Erica Harris, who is a supervisory
	4 IT specialist.
	5 JUDGE LAYTON: All right. And
	6 then the Complainant also is going to be
	7 testifying today.
	8 And, Mr. Jones, what I'm going to
	9 do, I believe, is have you testify first.
	10 MR. JONES: Okay.
EXHIBITS:	11 JUDGE LAYTON: -- and did you have
Agency	12 any -- I didn't know if you have anything that
10 - Non-approved software form	13 you --
11 - 9/28/2009 emails	14 MR. JONES: I wanted to --
	15 JUDGE LAYTON: Go ahead.
12 - 4/22/2009 email	16 MR. JONES: I wanted to, I guess,
13 - 2/2010 emails	17 introduce the bulk of my exhibits into the --
	18 JUDGE LAYTON: Into the record?
Complainant	19 MR. JONES: -- into the record.
2 - emails	20 JUDGE LAYTON: Now, did we do that
1 - FCIP handbook	21 last time? Because I was thinking that I said
	22 that I was going to admit them. Was it that

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<p>1 we didn't actually do it?</p> <p>2 MR. WILSON: No, I --</p> <p>3 MR. JONES: Go ahead.</p> <p>4 JUDGE LAYTON: Go ahead, go ahead.</p> <p>5 MR. WILSON: Sorry. I think what</p> <p>6 we said was when -- there was a discussion</p> <p>7 about this because of the way in which Mr.</p> <p>8 Jones provided his exhibits at the last</p> <p>9 minute, some as soon as an hour or so before</p> <p>10 the hearing started --</p> <p>11 JUDGE LAYTON: Right, okay.</p> <p>12 MR. WILSON: -- that he had not</p> <p>13 given the Agency sufficient notice of what he</p> <p>14 intended to introduce.</p> <p>15 JUDGE LAYTON: Okay. And did you</p> <p>16 -- did you provide the documentation to --</p> <p>17 MR. JONES: I'm providing the --</p> <p>18 I'm providing documentation now, actually</p> <p>19 numbered and concise, you know, because last</p> <p>20 time I basically was under a rush and</p> <p>21 unprepared, so.</p> <p>22 JUDGE LAYTON: Right, right.</p>	<p>1 and get that.</p> <p>2 what I'm going to do then, before</p> <p>3 we admit those is --</p> <p>4 MR. JONES: And the way I've like</p> <p>5 -- I grouped them --</p> <p>6 JUDGE LAYTON: Okay.</p> <p>7 MR. JONES: -- by the actual</p> <p>8 issues, what -- the difference issues of my</p> <p>9 actual case, like is the actual -- the record</p> <p>10 -- the actual Report of Investigation that is,</p> <p>11 you know, totally incomplete all the time.</p> <p>12 But like the bottom of the pages, they</p> <p>13 actually group like the -- like, you know,</p> <p>14 exhibit A -- Complainant exhibit A is</p> <p>15 performance and appraisal; then exhibit B is</p> <p>16 the reasonable accommodations; exhibit C is</p> <p>17 the disparate treatment; exhibit D is the</p> <p>18 retaliation and adverse -- adverse employment</p> <p>19 decision; and F is the -- well, I guess the</p> <p>20 amended claims or the consolidation of the</p> <p>21 claims or -- and then --</p> <p>22 JUDGE LAYTON: And then behind --</p>
<p>1 right, right. And so did you get them</p> <p>2 numbered and get them to the --</p> <p>3 MR. JONES: They're numbered,</p> <p>4 actually.</p> <p>5 JUDGE LAYTON: Okay.</p> <p>6 MR. JONES: So this is your copy.</p> <p>7 this is his</p> <p>8 copy --</p> <p>9 JUDGE LAYTON: Okay.</p> <p>10 MR. JONES: -- and then I'll</p> <p>11 introduce these into the -- the record as we</p> <p>12 go along.</p> <p>13 JUDGE LAYTON: What I'm going to</p> <p>14 do is I'm going to hold off on admitting them,</p> <p>15 let the Agency go ahead and flip through them</p> <p>16 and see if there's anything that's different</p> <p>17 than what you guys have previously seen, and</p> <p>18 then if you can go ahead and give the copy to</p> <p>19 me also, and then, Mr. Wilson, after you guys</p> <p>20 have had a chance to review it then see if</p> <p>21 there's any objections.</p> <p>22 Yeah, Matt, you can just go ahead</p>	<p>1 MR. JONES: And then one in</p> <p>2 particular is the certification for class for</p> <p>3 -- to be certified as a class or acting for a</p> <p>4 class with respect to the -- the systematic,</p> <p>5 you know, noncompliance of OIG with respect to</p> <p>6 providing procedural safeguards inside of the</p> <p>7 actual Office of Inspector General so people</p> <p>8 who do have a disability, when they -- when</p> <p>9 they request something there is a procedural</p> <p>10 safeguard in place, you know, as established</p> <p>11 by Executive Order 1316 --</p> <p>12 JUDGE LAYTON: Okay. I haven't</p> <p>13 seen any evidence to make this a class</p> <p>14 complaint. There's not anybody that's been</p> <p>15 identified as a class and you as -- and at</p> <p>16 this late of date, I'm not certifying this</p> <p>17 case as a class case. The case has got three</p> <p>18 witnesses left.</p> <p>19 I'm trying to look through this</p> <p>20 though, from what you provided, and I don't</p> <p>21 see where there's -- I've got Complainant</p> <p>22 exhibit F to start --</p>
	<p style="text-align: center;">Neal R. Gross & Co., Inc. 202-234-4433</p>

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1 MR. JONES: Yeah, this -- this --	1 Wilson, of that folder --
2 JUDGE LAYTON: And then I've got	2 JUDGE LAYTON: Uh --
3 Complainant's exhibit B, and then flips over	3 MR. WILSON: Well, I'm trying to
4 again to Complainant's B --	4 show her this document. Where is this
5 MR. JONES: Well, tell you what --	5 document?
6 JUDGE LAYTON: -- Complainant's B	6 MR. PRINCE: It's at the bottom of
7 --	7 her folder.
8 MR. WILSON: Can I just interject	8 MR. JONES: You can -- you can --
9 one thing	9 at the bottom it has the actual -- like I
10 before --	10 identified the actual link, so.
11 JUDGE LAYTON: Yes.	11 JUDGE LAYTON: Okay. Because I
12 MR. WILSON: -- we go too far down	12 don't have an exhibit A.
13 this road? Obviously we would need some time	13 MR. PRINCE: It says 2.
14 to look through this because I don't know what	14 JUDGE LAYTON: Yeah, but see where
15 most of this stuff is. I will say that the	15 it says Complainant exhibit A? I don't see
16 very first exhibit is here, we discussed this	16 where I have a Complainant exhibit A, unless
17 during the hearing the last time. This is --	17 it's in here. This is B. This one is labeled
18 this document that he provided, which says on	18 Complainant's B.
19 the second page -- it's got a cover letter	19 Okay. I don't think I have -- I
20 from the --	20 don't have the same documentation that Mr.
21 MR. JONES: From the HHS --	21 Wilson has, because I don't have a
22 MR. WILSON: -- from the Deputy	22 Complainant's A.
Page 446	Page 448
1 Assistant Secretary --	1 MR. WILSON: Well --
2 MR. JONES: Correct.	2 MR. JONES: Complainant exhibit A
3 MR. WILSON: -- for Human	3 the -- the performance plan, here it is.
4 Resources, the second page says that it's the	4 MR. WILSON: Yeah. Well, let me
5 Department of --	5 just -- let me just address this. You can
6 JUDGE LAYTON: I don't think I	6 look at --
7 have the same thing that you guys have,	7 MR. PRINCE: So this is your --
8 actually, because my second page looks like	8 MR. WILSON: I have a copy --
9 this.	9 MR. PRINCE: Okay.
10 MR. WILSON: My second page is	10 MR. WILSON: The -- this document
11 this.	11 JUDGE LAYTON: Okay, okay, okay.
12 (Comparing documents.)	12 Go ahead, Mr. Wilson.
13 MR. JONES: The first --	13 MR. WILSON: This document, we
14 JUDGE LAYTON: That's not -- okay	14 talked about during the last -- during the
15 --	15 first day of the hearing. This document, if
16 MR. JONES: The first page is in	16 you look at page two, says it's the Department
17 the back. For his particular notebook, it's	17 of Health and Human Services Performance
18 in the back because I didn't have time to hole	18 Management Appraisal.
19 punch it, but it's like -- but your first --	19 JUDGE LAYTON: And this was
20 his -- your first section is exactly the same.	20 photocopied and provided last time, wasn't it?
21 but it's just in the back of this particular	21 MR. WILSON: Well, there's -- we
22 folder. So if you flip to the back, Mr.	22 provided a different version of this document

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202-234-4433

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1 because this document does not apply to OIG. 2 JUDGE LAYTON: Okay. 3 MR. WILSON: And -- 4 JUDGE LAYTON: Okay. 5 MR. WILSON: -- there is a 6 separate OIG performance management appraisal 7 program and that, in fact, is the document 8 that we provided the last time, so I object to 9 this. 10 JUDGE LAYTON: It was provided and 11 admitted. 12 MR. CORMAY: Yes. 13 MR. WILSON: It was. 14 MR. CORMAY: It's an Agency 15 exhibit. 16 MR. JONES: That particular 17 document -- this document is specific to the 18 FCIP program, which is exhibit 19 -- exhibit A, table of authority one. If you 20 looked inside the, I guess you -- the PCI 21 program specifies the actual criteria for the 22 actual program guidance that it actually uses.	1 Agency did not do. But however, the next is 2 the PMP issue that he was referring to. 3 JUDGE LAYTON: Okay. 4 MR. JONES: And I've highlighted 5 both for you guys, you know -- 6 JUDGE LAYTON: Okay 7 MR. WILSON: Yeah. This -- 8 MR. JONES: And -- 9 JUDGE LAYTON: Go -- okay, go 10 ahead, Mr. -- 11 MR. WILSON: This document, this 12 HHS performance management program is not used 13 for any OIG employee. We have our own plan, 14 Mr. Jones' performance plan that was developed 15 was developed in accordance with our program, 16 not the HHS program. 17 JUDGE LAYTON: Okay. 18 MR. WILSON: And that's why we 19 provided that document, to -- as an exhibit 20 the last time. 21 MR. JONES: This is the actual 22 document that was given to, you know, expected
Page 450	Page 452
1 and I highlighted it on those two pages. That 2 would be page -- page -- page 12 of PMAP. And 3 it states, you know, somewhere -- and it's 4 highlighted, that the performance evaluation 5 should be in accordance with HHS PMP. Also 6 there's a link in the second section to the 7 actual -- to where I actually got the actual 8 information from. 9 JUDGE LAYTON: Okay. Let me make 10 sure that the Agency has this. 11 So what I'm looking at, Mr. 12 Wilson, is what is labeled as the Federal 13 Career Intern Program Handbook. 14 MR. WILSON: I have that, as well. 15 JUDGE LAYTON: Okay. And then 16 what he's highlighted is page six of twenty- one. 18 MR. JONES: That's the -- that's 19 the individual development plan -- 20 JUDGE LAYTON: Okay. 21 MR. JONES: -- which is supposed 22 to be developed within 30 days, which the	1 to be, you know, rated by because this is the 2 actual link to the actual HHS, you know -- 3 this particular Handbook, you know, is 4 designated for all -- for all organizations 5 under HHS -- HHS, you know, which 6 -- which includes the Office of Inspector 7 General, which is actually under the -- well, 8 this particular office is up under the Office 9 of Secretary and -- I mean, I can -- 10 MR. WILSON: The -- the Office of 11 Inspector General has its own -- has its own 12 personnel authority so that it's not under the 13 thumb of the Secretary, because we are 14 supposed to be investigating things that 15 conceivably might have to do with the 16 secretary. That's why we have our own 17 authority, that's why we have our own 18 performance plan. 19 JUDGE LAYTON: Okay. Okay. Okay. 20 Okay 21 So do you understand what they're 22 saying is that, because this is the Office of

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<p>1 Inspector General, they have their own plan, 2 they don't go by the general HHS plan, okay?</p> <p>3 MR. JONES: I --</p> <p>4 JUDGE LAYTON: Go ahead.</p> <p>5 MR. JONES: I just wanted to say 6 for the record, I object. I'll keep providing 7 documentation like, you know, I have like -- 8 matter of fact --</p> <p>9 JUDGE LAYTON: Well, there isn't 10 any evidence that's been put forward that 11 their using the OIG plan versus this plan was 12 done to discriminate against you, okay. I 13 mean, there's a difference between somebody 14 doing something different than what you 15 expect, and them doing it with a 16 discriminatory motive. I don't see where 17 there's any evidence that the fact that they 18 used their own OIG plan instead of an HHS plan 19 was done to discriminate, or even how it could 20 be done to discriminate.</p> <p>21 MR. JONES: Well, everyone else 22 uses the actual -- the -- the HHS, you know --</p>	<p>1 you were denied a reasonable accommodation and 2 that you were denied evaluations. You're 3 trying to get into extraneous issues of 4 different people. That is not an accepted 5 issue that I have, of whether or not they were 6 on -- the fact is is that you were put on a 7 performance plan that's under OIG, and there 8 has not been any claim until right this moment 9 that that somehow violated some sort of 10 accommodation that you needed, that you were 11 put on a performance plan under OIG. And I am 12 not going to, now today, on the second day of 13 the hearing, accept that as an issue, so I 14 don't see how any of it's relevant to the 15 accepted issue.</p> <p>16 MR. JONES: The -- the accepted 17 issue that a performance evaluation and 18 termination --</p> <p>19 JUDGE LAYTON: It was that you 20 were denied evaluations, not that you were put 21 on a different performance evaluation -- 22 performance plan than other people</p>
Page 454	Page 456
<p>1 everyone else uses the actual -- who is an 2 intern under the Office of Inspector General 3 through the Department of Health and Human 4 Services, you know, uses that particular -- 5 for that particular program, you know, 6 specifically for the -- the PCIP program -- I 7 mean, the link to the actual document itself 8 was provided, you know --</p> <p>9 JUDGE LAYTON: Do you have any 10 evidence that there was any other interns that 11 worked under OIG that were on a different 12 performance plan than you?</p> <p>13 MR. JONES: I can provide a 14 document, you know, saying that the Office of 15 Inspector General has the PCIP program and it 16 complies to -- I can find that for you. I have 17 another --</p> <p>18 JUDGE LAYTON: Okay. We need to 19 stay focused on the issues that I have before 20 me --</p> <p>21 MR. JONES: Okay.</p> <p>22 JUDGE LAYTON: -- which was that</p>	<p>1 MR. JONES: Okay.</p> <p>2 JUDGE LAYTON: Okay? So we've got 3 to stay focused on the accepted issues that I 4 have. The accepted issues has to deal with 5 the fact that you said that you were denied 6 reasonable accommodations --</p> <p>7 MR. JONES: Yeah.</p> <p>8 JUDGE LAYTON: -- that you were 9 denied an evaluation before you left, and then 10 you were terminated, okay?</p> <p>11 MR. JONES: Okay. With respect to 12 the reasonable accommodation, I was denied the 13 reasonable accommodation, you know. I was -- 14 the management failed to, you know, properly 15 interact with me in the interactive 16 process by being flexible to actually provide 17 jobs or -- or provide, you know, the 18 modifications that were -- modification or 19 assistive technology devices that would enable 20 me to do my job.</p> <p>21 JUDGE LAYTON: Let's get your 22 testimony on the record in regard to that.</p>

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 202-234-4433

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UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
ATLANTA DISTRICT OFFICE

In the Matter of:

EEOC No.
MOSHEA JOHN JONES, 410-2011-00227X

Complainant, Agency No.
HHS-OS-0013-2010

v.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
OFFICE OF INSPECTOR
GENERAL, OFFICE OF AUDITS
ATLANTA, GEORGIA

Respondent Agency.

Nunn Federal Center
61 Forsyth Street
Suite 3T12
Atlanta, Georgia

Friday, January 27, 2012
The above-entitled matter came on
for hearing, pursuant to Notice, at 9:29 a.m.

BEFORE:

HON. LANA LAYTON, Administrative Judge

Noel R. Gross & Co., Inc.
202-234-4333

Page 439	Page 440
APPEARANCES:	PROCEDURAL
On behalf of Complainant:	JUDGE LATTICE: Okay. Let's go
MOSHEA JOHN JONES, Pro se	ahead and go on the record. It's the
	January 27th, 2012, and this is the
On behalf of Respondent Agency:	continuation of the hearing of Moshea Jones
	versus the Department of Health and
MR. RAYMOND WILSON, Senior Counsel	Human Services. Present in the room today is
ADAM S. CLEARY, Associate Counsel	Mr. Wilson, Matthew Pierce, who is one of my
Office of Counsel to the Inspector General	lawyers, Rita Cherry, one of my law clerks, Mr.
330 Independence Ave., SW	Cherry, Mr. Wilson, and Mr. Justice. Mr. Justice
Washington, DC 20530	and Mr. Wilson represent the Agency. Mr.
(202) 205 9212	Jones is representing himself. We concluded
	the last day of testimony on Wednesday,
Also present:	Wednesday 10th, 2011, and I believe because of
	the amount of time that it took us we did not
MATTHEW PIERCE, Intern	get through all of the Agency's witnesses
RITA CHERRY, Intern	correct?
	MR. WILSON: That's correct.
	JUDGE LATTICE: So we do we still
	have today for the Agency?
	MR. WILSON: Well, there were two
	additional witnesses, Kimberly Green, who was
CONTENTS	
INTERROGATOR: DIRECT CROSS EXAMINER: BURRUS	
Moshea Jones 639 639 639	... and served as the auditor in charge on
Kimberly Green 640 640	several projects that Mr. Jones worked on, and
Erica Harris 647 646	then also Erica Harris, who is a supervisory
IT specialist.	JUDGE LATTICE: All right. And
	then the complainant also is going to be
	testifying today.
	MR. JONES: Well, what I'm going to
	do, I believe, is have you testify first.
INTERROGATOR: 639 639	MR. JONES: Okay.
Agency	JUDGE LATTICE: ... and did you have
11 - HHS approved software firm 646 642	any ... I didn't know if you have anything that
12 - 9/28/2009 emails 672 673	you ...
13 - 1/23/2010 email 704 705	MR. JONES: I wanted to ...
14 - 1/23/2010 emails 706 705	JUDGE LATTICE: Go ahead.
Complaint	MR. JONES: I wanted to, I guess,
1 - emails 913	introduce the bulk of my exhibits into the ...
2 - FOIA Requests 913 917	JUDGE LATTICE: Into the record.
	MR. JONES: ... into the record.
	JUDGE LATTICE: Now, did we do that
	last time? Because I was thinking that I said
	that I was going to admit them. Was it like

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1 - we didn't actually do it?	1 - and get that.
2 - MR. WILSON: No, I	2 - that I'm going to do that, before
3 - MR. JONES: Go ahead.	3 - we admit them is ...
4 - JUDGE LATTICE: Go ahead, go ahead	4 - MR. JONES: ... and the way I've like
5 - MR. WILSON: Sorry, I think what	5 - ... I grouped them ...
6 - we paid you when ... there was a disconnection	6 - JUDGE LATTICE: Okay.
7 - about this because in the way in which we	7 - MR. JONES: ... by the actual

1 Jones provided his exhibits at the last
 2 minute, some as much as an hour or so before
 3 the hearing started --
 4 JUDGE LAYTON: Right, okay.
 5 MR. WILSON: ... that he had not
 6 given the Agency sufficient notice of what he
 7 intended to introduce.
 8 JUDGE LAYTON: Okay. And did you
 9 -- Did you provide the documentation to --
 10 MR. JONES: I'm providing the --
 11 the providing documentation now, actually
 12 numbered and concise, you know, because last
 13 time I basically ran under a rule and
 14 unprepared, so --
 15 JUDGE LAYTON: Right, right.
 16 JUDGE LAYTON: Okay, okay.

17 JUDGE LAYTON: Okay. And then behind --
 18

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1 right, right. And so did you get them
 2 numbered and put them to the
 3 MR. JONES: They're numbered,
 4 actually.
 5 JUDGE LAYTON: Okay
 6 MR. JONES: As this is your copy,
 7 this is all
 8 copy
 9 JUDGE LAYTON: Okay
 10 MR. JONES: -- and then I'll
 11 introduce these into the -- the record as we
 12 go along
 13 JUDGE LAYTON: What I'm going to
 14 do is I'm going to hold off on admitting them,
 15 let the Agency go ahead and flip through them
 16 and see if there's anything that's different
 17 than what you guys have previously seen, and
 18 then if you can go ahead and give the rule to
 19 me also, and then, MR. Wilson, after you guys
 20 have had a chance to review it then see if
 21 there's any objections.
 22 Yeah, wait, you can just go ahead

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1 MR. JONES: And then one is
 2 particular is the certification for class for
 3 -- to be certified as a class or acting for a
 4 class with respect to the -- the systematic
 5 you know, noncompliance of GIO with respect to
 6 providing procedural safeguards inside of the
 7 actual Office of Inspector General as people
 8 who do have a disability, whom may -- when
 9 they request something there is a procedure
 10 safeguard in place, you know, as established
 11 by Executive Order 13114
 12 JUDGE LAYTON: Okay. I haven't
 13 seen any evidence to make this a class
 14 complaint. There's not anybody that's been
 15 identified as a class and you are -- and at
 16 this date of date, I'm not certifying this
 17 case as a class case. The case has got three
 18 witnesses left.
 19 I'm trying to look through this
 20 though, from what you provided, and I don't
 21 see where there's -- I've got Complainant
 22 exhibit F to start --

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1 MR. JONES: Yeah, this -- this
 2 JUDGE LAYTON: And then I've got
 3 Complainant's exhibit A, and then flip over
 4 again to Complainant's B --
 5 MR. JONES: Well, tell you what --
 6 JUDGE LAYTON: -- Complainant's B
 7 --
 8 MR. WILSON: Can I just interrupt
 9 one thing
 10 before --
 11 JUDGE LAYTON: Yes
 12 MR. WILSON: -- we go too far down
 13 this road? Obviously we would need some time
 14 to look through this because I don't know what

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1 witness of that Order --
 2 JUDGE LAYTON: No --
 3 MR. WILSON: Well, I'm trying to
 4 show her this document. Where is this
 5 document?
 6 MR. PENCE: It's at the bottom of
 7 her folder.
 8 MR. JONES: You can -- you can --
 9 at the bottom it has the actual -- like I
 10 identified the actual link, so --
 11 JUDGE LAYTON: Okay. Because I
 12 don't have an exhibit A.
 13 MR. PENCE: It says 2.
 14 JUDGE LAYTON: Yeah, but see where

16 most of this stuff is. I will say that the
17 very first exhibit he has, we discussed this
18 during the hearing the last time. This is
19 this document that he provided, which says on
20 the second page -- it's got a cover letter
21 from the --
22 MR. JONES: From the RNC --
23 MR. WILSON: From the RNC --

25 It says Complainant exhibits A. I don't see
26 where I have a complainant exhibit A. Unless
27 it's in here. This is it. This one is labeled
28 complainant B.
29 May I don't think I have a - I
30 don't have the same documentation that Mr.
31 Wilson has, because I don't have a
32 complainant A.

1 Assistant Secretary
2
3 MR. JONES: Correct.
4 MR. WILSON: -- for dated
5
6 Described the second page says that it's the
7 Department of --
8
9 JUDGE LAYTON: I don't think I
10 have the same thing that you guys have
11 personally, because my second page looks like
12 this:
13
14 MR. WILSON: My second page is
15
16 CASH:
17
18 COMPETING CHAMBERS:
19
20 MR. JONES: The first --
21
22 JUDGE LAYTON: That's not -- obvi
23
24 --
25
26 MR. JONES: The first page is in
27 the back. For his particular notebook it's
28 in the back because I didn't have time to hole
29 punch it out the like -- but your first --
30 has -- your first section is exactly the same
31 but this just in the back of this particular
32 edition, so it's not in the back. It

6 Page

7 MR. WILSON: Well --

8 MR. JONES: Complainant exhibit A

9 the -- the performance plan, here it is.

10 MR. WILSON: Yeah. Well, let me

11 just -- let me just address this. You can

12 look at --

13 MR. PENCE: So this is your --

14 MR. WILSON: I have a copy --

15 MR. PENCE: Okay.

16 MR. WILSON: The -- this document

17 KAREN LAYTON: Okay. Okay, okay.

18 GO ahead, MR. WILSON.

19 MR. WILSON: This document, we

20 talked about during the last -- during the

21 first day of the hearing. This document, if

22 you look at page two, says it's the Department

23 of Health and Human Services Performance

24 Management Agreement.

25 JUDGE CARTER: And this was

26 photocopied and provided last item, wasn't it?

27 MR. WILSON: Well, excuse -- we

28 received a different version of this document

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1 because this document does not apply to GIC
2 JUDGE LAYTON: Okay
3 MR. WILSON: Not --
4 JUDGE LAYTON: Okay.
5 MR. WILSON: -- there is a
6 separate GIC performance management appraisal
7 program and that, in fact, is the document
8 that we provided the last time, so I object
9 to this.
10 JUDGE LAYTON: It was provided
11 exhibited.
12 MR. CUSHNAR: Yes.
13 MR. WILSON: It was.
14 MR. CUSHNAR: It's an Agency
15 exhibit.
16 MR. JONES: That particular
17 document -- this document is specific to the
18 PCTP program, which is exhibit
19 -- exhibit A, table of authority one. If you
20 looked inside the, I guess you -- the PCTP
21 program specifies the actual criteria for the

1 Agency did not do. But however, the most to
2 the RDP issue that he was referring to.
3 JUDGE LAYTON: Okay.
4 MR. JONES: And I've highlighted
5 both for you guys, you know --
6 JUDGE LAYTON: Okay.
7 MR. WILSON: Yeah. This --
8 MR. JONES: And --
9 JUDGE LAYTON: So -- very, go
10 ahead, Mr. --
11 MR. WILSON: This document, these
12 and performance management progress is not set
13 for any CIA employee. We have our own plan.
14 We Jones' performance plan that was developed
15 and developed in accordance with our standards
16 set the RDP program.
17 JUDGE LAYTON: Okay.
18 MR. WILSON: AND THAT'S WHY WE
19 provided that document, to -- to be an exhibit
20 the last time
21 MR. JONES: This is the newest

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1 and I highlighted it on those two pages. That 2 would be page -- page -- page 12 of PMS. And 3 it states, you know, standard -- and it's 4 highlighted, that the performance evaluation 5 should be in accordance with the law. Also 6 there's a line in the second section to the 7 actual -- to where I actually got the actual 8 information from.	1 to be, you know, rated by because that is the 2 actual line to the actual PMS, you know, 3 this particular handbook, you know, is 4 designated for all -- for all organizations 5 under HHS -- HHS, you know, which 6 -- which includes the Office of Inspector 7 General, which is actually under the -- well, 8 that particular office is up under the Office 9 of Secretary and -- I mean, I can --
9 JUDGE LAYTON: Okay. Let me make 10 sure that the Agency did this.	10 Mr. Wilson. The -- the Office of 11 Inspector General has its own -- had its own 12 personnel authority so that it's not under the 13 thumb of the Secretary, because we are 14 supposed to be investigating things that 15 conceivable might have to do with the 16 Secretary. That's why we have our own hiring 17 authority. That's why we have our own 18 performance plan.
11 So what I'm looking at, Mr. 12 Wilson, is what is labeled as the Federal 13 Career Inters Program Handbook.	19 JUDGE LAYTON: Okay. Okay. Okay.
14 MR. WILSON: I have that, as well.	20 Okay.
15 JUDGE LAYTON: Okay. And then 16 what we're highlighting is page six of twenty.	21 So do you understand what they're 22 saying is that because this is the Office of
17 one.	23
18 MR. JONES: That's the -- that's 19 the individual development plan --	
20 JUDGE LAYTON: Okay.	
21 MR. JONES: -- which is supposed 22 to be developed within 30 days, which the	

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1 Inspector General, they have their own plan. 2 They don't go by the general HHS plan, okay?	1 you were denied a reasonable accommodation and 2 that you were denied evaluations. You're 3 trying to get into extremely issues of 4 different people. That is not an accepted 5 issue that I have, of whether or not they were 6 on -- the fact is is that you were put on a 7 performance plan that's under OIG, and there 8 has not been any claim until right this moment 9 that that somehow violated some sort of 10 accommodation that you needed, that you were 11 put on a performance plan under OIG, and I am 12 not going to, now today, on the second day of 13 the hearing, accept that as an issue. So I 14 don't see how any of it's relevant to the 15 accepted issue.
6 MR. JONES: I just wanted to say 7 for the record, I object. I'll keep providing 8 documentation like, you know, I have like --	16 MR. JONES: The -- the accepted 17 issue that a performance evaluation and 18 termination --
9 matter of fact --	19 JUDGE LAYTON: It was that you 20 were denied evaluations, not that you were put 21 on a different performance evaluation --
10 JUDGE LAYTON: Well, there isn't 11 any evidence that's been put forward that 12 they're using the OIG plan versus the plan that 13 was done to discriminate against you, okay. I 14 mean, there's a difference between somebody 15 doing something different than what you 16 expect, and them doing it with a 17 discriminatory motive. I don't see where 18 there's any evidence that the fact that they 19 used their own OIG plan instead of an HHS plan 20 was done to discriminate, or even how it could 21 be done to discriminate.	22 performance plan than other people.
22 MR. JONES: Well, everyone else 23 uses the actual -- who is in 24 charge under the Office of Inspector General 25 through the Department of Health and Human 26 Services, you know, uses that particular -- 27 for that particular program, you know,	
Page 454	Page 456
1 everyone else uses the actual -- who is in 2 charge under the Office of Inspector General 3 through the Department of Health and Human 4 Services, you know, uses that particular -- 5 for that particular program, you know,	1 MR. JONES: Okay. 2 JUDGE LAYTON: Okay? So we've got 3 to try to focus on the accepted issues that I 4 have. The accepted issues has to deal with 5 the fact that you said that you were denied

6 specifically for the -- the PCV program -- I	6 reasonable accommodations
7 mean, the link to the actual document itself	7 MR. JONES: Yeah.
8 was provided, you know --	8 JUDGE LAYTON: -- that you were
9 JUDGE LAYTON: So you have any	9 granted an evaluation before you left, and then
10 evidence that there was any other intent than	10 you were terminated, okay?
11 worked under OIG that were on a different	11 MR. JONES: Okay, with respect to
12 performance plan than you?	12 the reasonable accommodation, I was granted the
13 MR. JONES: I can provide a	13 reasonable accommodation, you know, I was --
14 document, you know, saying that the Office of	14 the management failed to, you know, properly,
15 Inspector General had the PCV program and it	15 you know, interact with me in the interactive
16 applies to -- I feel find that for you, I have	16 process by being flexible to actually provide
17 another --	17 job or -- or provide you know, the
18 JUDGE LAYTON: Okay. We need to	18 modifications that were -- modification of
19 stay focused on the issues that I have before	19 assistive technology devices that would enable
20 us --	20 us to do my job.
21 MR. JONES: Okay.	21 JUDGE LAYTON: Let's get your
22 JUDGE LAYTON: -- which was that	22 testimony on the record in regard to that.

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ALSO ANOTHER MAJOR ISSUE concerning class complaint:

Perhaps the Department of Health and Human Services (DHHS) Office of the Secretary (OS) of the United States of America Freedom of Information Act (FOIA) division is attempting to split [or have spun off a particular portion of the] FOIA Request 2011-1282MT into several parts, and as such, new and separate FOIA request(s), or, perhaps NOT; nevertheless, neither FOIA Request(s) 2014-0825, 2013-0962GD, nor FOIA Request 2011-1282 has been completed, yet alone [being] processed promptly, professionally, or in any sort of an efficient manner; and therefore another reason for this Credo Of Appeal .

FOIA Request(s) that have not been fulfilled in accordance with 5 U.S.C. § 552 are as follows:

2011-1282MT

2013-0962GD

2014-0825

This draft notice is prepared in accordance with the following statement:

Title VII/Exhaustion of Administrative Remedies

If a claim amplifies, clarifies or more clearly focuses the allegations in an EEOC charge, it is reasonably related to the EEOC charge. Allegations of a different type of discrimination are not reasonably related to those in an EEOC charge unless the allegations supporting the new type of discrimination can be inferred from the facts contained in the EEOC charge. Benally v. San Juan Coal Co., 02cv1064, May, 2004.

AND 42 U.S.C. § 1987 because were talking about me enforcing my Law-enforcement contract HHS-OIG-0077

P.S. : I know there are other issues like that which is shown below

Whether the appellate tribunal erred in concluding date of formal filing of Agency EEO Compliant HHS-OS-0013-2010 to be April 6, 2010 rather than Feburay 16, 2010 that which Acknowledgement Letter dictates; in its decision dated Dec 12 , 2012 to consolidate Appeal No. 0120122573, Agency No. HHS-OS-0013-2010 and Appeal No. 0120122702, Agency No. HHS-OS-0034-2010 for joint processing pursuant to 29 C.F.R. § 1614.606.

Has OIG law enforcement agents PJB and BCJ deprived the Appellant THEN Complainant, Region IV (OIG/DHHS/OAS) Information Technology Auditor, M. John Jones of liberty, that which is enumerated in the Inspector General Act of 1978 without due process law; in violation of 42 U.S.C. §§ 1981-1987; 2000ff-4; 2000ff-6?

Was Appellant THEN Complainant, Region IV (OIG/DHHS/OAS) Information Technology Auditor, M. John Jones, denied and/or not facilitated approved Federal Acquisition Regulation (FAR) 39.2 compliant, reasonable Electronic Information & Technology (EI&T) accommodation(s)/workplace modifications procured by

Department of Defense (DoD) with Federal funds via interagency Computer Electronic Accommodations Program (CAP) agreement with DHHS, making [Sec 504.] 29 U.S.C. § 794 applicable and that which [Sec. 508] 29 U.S.C. § 794d requires OIG/DHHS to facilitate under 36 C.F.R. 1194(c),

that which was 42 U.S.C. § 1982

42 U.S.C. § 2000ff-4

shall be of the Rehabilitation Act of 1973, as amended,

specifically recommended by DoD's Computer/Electronic Accommodations Program (CAP) for the Appellants genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder (ADHD) and associated learning dyslexia that would enable the Appellant to better achieve results, collaborate more effectively with others, and improve written and oral communications with respect to effectuating the Appellant's appointment as a Auditor of Information Technology for the Office of Inspector General (OIG) and its mission—TO COMBAT, WASTE, FRAUD, AND ABUSE; when his Manager, Region IV (OIG/DHHS/OAS) Audit IT/AATS Manager, Brian C. Johnson continuously refused Appellant— A academically superiorly qualified schedule B hire with ADHD—a learning disability—the installation of various reasonable accommodation(s)?

Has the Appellant's Manager, Region IV (OIG/DHHS/OAS) Audit Information Technology&Advanced Audit Technique Specialist (IT/AATS) Manager, Brian C. Johnson & Appellant's Supervisor, Region IV (OIG/DHHS/OAS) Regional Inspector General for Audit Services (RIGAS),

Peter J. Barbera discriminated against appellants when they failed to remain actively engaged in interactive process to determine appropriate reasonable accommodations?

REARTICULATED: THE MISSION OF OIG/OAS INFORMATION TECHNOLOGY AUDIT TEAM, SPECIFICALLY REGION IV, IS TO "APPLY AN EXPERT KNOWLEDGE OF INFORMATION SECURITY CONTROLS TO AUDITS OF DHHS PROGRAMS, OPERATIONS, GRANTEES, AND CONTRACTORS WITHIN REGION IV" AND "REVIEW THE MAINTENANCE OF COMPUTER-BASED SYSTEMS THROUGH THE CONDUCT OF COMPREHENSIVE AUDITS OF GENERAL SECURITY AND APPLICATION SPECIFIC CONTROLS."

THE APPELLANT IS QUALIFIED, IF NOT SUPERIORLY QUALIFIED TO EXECUTE THE TERMS OF HIS APPOINTMENT. WAS ANY OF THE FOLLOWING ACTIONS OR DECISIONS BASED IN DISABILITY DISCRIMINATION WITH RESPECT TO APPELLANT'S FEDERAL CAREER INTERNSHIP PROGRAM EXPERIENCE: Job Assignments & Promotions, Pay And Benefits, Discipline & Discharge, Employment References to 'Federal Reserve Bank' of Atlanta, Reasonable Accommodations.

HOWEVER;

"it would seem anomalous . . . to think congress intended no retaliation protection for employees who request a reasonable accommodation unless they also. file a formal charge. this would leave employees unprotected if an employer granted the accommodation and shortly thereafter terminated the employee in retaliation."

Soileau v. Guilford of Maine, 105 f.3d 12, 16 (1st cir. 1997). see also Garza v. Abbott laboratories, 940 f. supp. 1227, 1294 (n.d. ill. 1996) (plaintiff engaged in statutorily protected expression by requesting accommodation for her disability). the courts in soileau and garza only considered whether accommodation requests fall within the opposition or participation clause in section 503(a) of the ada. note, however, that section 503(b) more broadly makes it unlawful to interfere with "the exercise or enjoyment of . . . any right granted or protected" by the ada.

granted or protected by the statute.

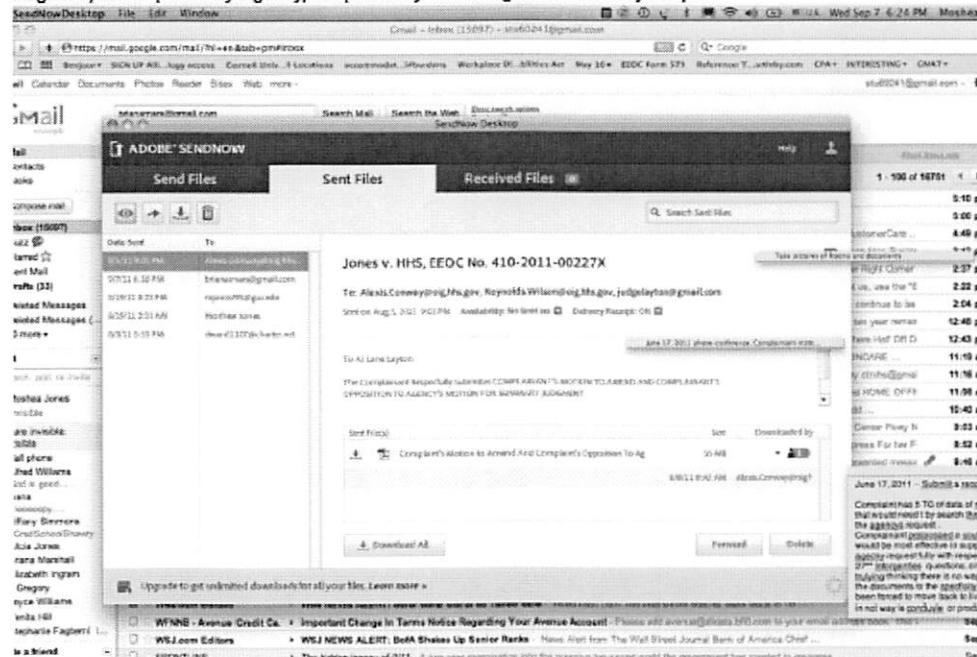
Respectfully submitted,
Moshea (John) Jones

From here in the capital of the South Atlanta, Georgia (the shining city on the hill, that which withstands oceans), which is important because the state of Georgia was established 1776 and my states rights have been violated with respect to this case; and states rights of Florida why I was there on an OIG American Recovery and Reinvestment Act audit at the University of Florida, which as I mentioned above, more details will be provided in the electronic submission upload forthcoming.

NOTE: the U.S. Government was established 1789

Additionally, I, like Justice O'Connor believed that ONLY Direct evidence can induce a mixed motives complaint; I have a mixed motives Title VII case and as I mentioned before, details will be provided in the electronic submission upload forthcoming.

Complainant's Motion to Amend and Complainant's Opposition to Agency's Motion for Summary Judgement SENT August 5, 2011 opened by Agency, unopened by Trial Judge AJ Lanna Layton .pdf



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Jones v. HHS, EEOC No. 410-2011-00227X

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June 17, 2011 phone conference, Complainant state...

To AJ Lana Layton

The Complainant Respectfully submits COMPLAINANT'S MOTION TO AMEND AND COMPLAINANT'S OPPOSITION TO AGENCY'S MOTION FOR SUMMARY JUDGMENT

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The Complainant Respectfully submits COMPLAINANT'S MOTION TO AMEND AND COMPLAINANT'S OPPOSITION TO AGENCY'S MOTION FOR SUMMARY JUDGMENT

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WSJ NEWS ALERT: BofA Shakes Up Senior Ranks - News Alert from The Wall Street Journal Bank of America Chief ... Sep 6

The hidden legacy of 9/11 - A two-year examination into the massive top-secret world the government has created in response to the 9/11 attacks. Sep 6

Pages to be set soon with regard to Appellant brief (see Table of Content shown/inserted below in accordance with Fed. R. Evid. 803(5)),... the Appellant's brief will be under 1,400 pages and will be less than 14,000 words from the issue section to the conclusion section of the brief... Perhaps 750+ pages of the brief is comprised of Fed. R. Evid. 803(5) recorded recollection and memorandum.

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I. DEPRIVAL OF THAT WHICH IS FUNDAMENTAL AND INDISPENSABLE TO ONE'S ABILITY TO REDRESS AND HAVE CURED INJUSTICE—COMPLAINTS' OF DISCRIMINATION & RETALIATION; INJURES ONE'S RIGHT OF ACCESS TO JUSTICE—DENIES 'DUE PROCESS'	980
A. HHS Office of Secretary EEO official(s) intentional vitiation of notice of right to appeal its federal executive agency action and/or dismissal of complaint of Prohibited Personnel Practices (PPP)'s to either MSPB or EEOC; or petition a federal court, endangers my enumerated "Bill of Rights" guaranteed by the republic for which it stands one nation under God, with liberty and justice for ALL... {TIME & PLACE: WORLD WAR III, the "Constitution of the United States" is the Law of the Land herein the United States [of America]}	980
B. Malice fragmentation of claims requires the Right-remedy gap in constitutional law 42 U.S.C. §§ 1981-1987; "this point is dispositive of the issue to reverse/vacate Equal Employment Opportunity Commission Atlanta District Office Administrative Trial Judge, Hon. Lana Layton's 11 th of April 2012 decision, and investigate ALL Appellant's claims {THAT WERE AND/OR ARE STILL ARE FRAGMENTED (see agency EEO Compliant(s): HHS- OS-0013-2010; HHS-OS-0034-2010), both filed timely, [however, the latter also being of the realm of MSPB was vitiated by the United States HHS	

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Agency's OS EEO Compliance Office] and so we do not have to consider the other interesting issues/questions presented and arguments made" 980
 C. Malice fragmentation of claims requires the Right-remedy gap in constitutional law 42 U.S.C. §§ 1981-1987 this point is dispositive of the issue to reverse/vacate Equal Employment Opportunity Commission Atlanta District Administrative Trial Judge Lana Layton's 11th of April 2012 decision, and investigate ALL Appellant's claims {THAT WERE AND/OR ARE STILL ARE FRAGMENTED (see agency EEO Compliant(s): HHS-OS-0013-2010, HHS-OS-0034-2010) <both filed timely>, <however, the latter, a being a MSPB viatiated by the Agency's OS EEO Compliance Office } 981
 D. The Appellant made timely motion for class certification under EEOC administrative magistrate rules 29 C.F.R. § 1614.204(b) and Fed. R. Civ. P. Rule 23 during 2nd day of EEOC Hearing No. 410-2011-00227X Agency EEO Complaint No. HHS-OS-0013-2010; "I'm not certifying this case as a class case" is the bench ruling of Hon. Lana Layton, U.S. EEOC Atlanta District Office administrative trial judge, on this determination, however, Fed. R. Civ. P. Rule 23(f) substantive due process right to appeal such determination is deprived when no order of decree from Hon. Lana Layton exist either granting or denying class action certification; in violation of Fed. R. Civ. P. Rule 23(c)(1)(A). "Fed. R. Civ. P. 23(f) is clear and unambiguous as to its application. Only those orders granting or denying class certification may be pursued in the appellate courts immediately." 981
 E. Section 1614.108(b), of Title 29 C.F.R., requires that "the agency shall develop an impartial and appropriate factual record upon which to make findings on the claims raised by the written complaint." An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred... IF the HHS/OS/EEO did not include in 'Record Of Investigation' (ROI),... the full performance appraisal/evaluation that indicate(s) that a Merit System Protection Board violation by OIG/DHHS/OS management, specifically by, THEN Region IV (HHS/OIG/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera, and, Region IV (HHS/OIG/OS/OAS) Advanced Audit Technique Specialist & Information Technology Audit Manager, Brian C. Johnson, has/had occurred,... how has not a conspiracy to discriminate between the Agency's OS/EEO compliance unit and the Agency's OIG Management within the Agency's OS ...occurred against Americans with disability/disabilities, when taken in-together with the Agency's OS non-compliance with the No FEAR Act web-posting requirement(s), that which, invalidates the No FEAR Act record(s) kept by the United States EEOC OFO,... occurred.... ALL of which is in violation of 42 U.S.C. § 1985; 42 U.S.C. §§ 2000ff-6, 2000ff-4; 5 U.S.C. § 2302(b)... that must certify issues

into questions, if permissible by the Law to the Supreme Court of the United States?	981
F. SuConstructive Discharge/Forced To Resignb-point aaaa	982
G. Sub-point dddd	982
II. EQUAL PROTECTION CLAUSE = 's EQUAL PROTECTION OF THE LAWS OF THE LAND [14 TH AMENDMENT (1868)]	982
A. Title VII, of the 1964 Civil Rights Act, protect against pattern and practice discrimination, that which, would include a pattern and practice of disability employment discrimination occurring by the United States Department of Health and Human Services Agency's Office of Secretary [against Americans with disability/disabilities]	982
B. The Agency has NOT and CANNOT point to the so-called integrity rule Pre-Employment Inquiries and Medical Questions & Examinations	982
C. Pre-Employment Inquiries and Medical Questions & Examinations SubDDD-point 2	982
D. The Agency has NOT and CANNOT point to the so-called integrity rule the Appellant THEN Office of Inspector General (OIG) Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services, Region IV, Information Technology Auditor Law-enforcement official, M. John Jones violated/broken ,however, I have in this credo pointed out the integrity GAO Yellow book ...<<point to the rule>> that Kimberly Dixon Has broken ... against the trust of the American people...WHAT WORKPLACE RULES HAVE THE APPELLANT BROKEN...? THUS FAR, THE AGENCY'S ARGUMENT IS "THERE ARE THINGS WE KNOW THAT WE KNOW. THERE ARE KNOWN UNKNOWNS. THAT IS TO SAY THERE ARE THINGS THAT WE NOW KNOW WE DON'T KNOW, BUT THERE ARE ALSO UNKNOWN UNKNOWNS. THERE ARE THINGS WE DO NOT KNOW WE DON'T [KNOW]!"	982
III. I AM THE LAW OF THE LAND; AND THE LAND OF LAW: IS LAW; [42 U.S.C. §§ 1981-1987] IF NO PERSON SHALL BE DEPPIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW [[5 TH AMENDMENT (1791)] & 14 TH AMENDMENT EQUAL PROTECTION CLAUSE = EQUAL PROTECTION(S) UNDER THE LAND OF LAW (1868)]	983
A. The Office of Inspector General for the Department of Health and Human Services STILL has not facilitated the Appellant THEN Complainant, Region IV (OIG/DHHS/OS/OAS) Information Technology Auditor, M. John Jones's, FAR 39.2 compliant, approved reasonable Electronic Information & Technology (EIT) accommodations/workplace modifications purchased by the Department of Defence Computer-electronics Accommodation Program (DoD/CAP) that the Law [29 U.S.C. § 794d; 42 U.S.C. § 1982; and E.O. 13164] require MUST be facilitated, when the Agency has provided no undue burden exception certificate	

[under 36 CFR Part 1194.4 and FAR 39.204(e)] signed by either OIG or the Agency's Office of the Secretary 508 official that would exempt the Appellant's Manager and/or the Appellant's Supervisor, both, OIG law enforcement audit agents, from not complying with 36 CFR Part 1194.3(c) electronic and information technology accessibility standards.

983

B. No person should be subjugated to, or, subjected to a status quo merely because of the characteristics of having a disability without giving first, that individual an equal opportunity Because Section 508 [29 U.S.C. § 794d] requires federal agencies to ensure that the EIT they develop, procure, maintain, or use is accessible to and usable by individuals with disabilities requiring such reasonable Electronic Information Technology accommodation(s)/Workplace modification(s) who are employees!.....983

C. Agency CANNOT negate its failure obligating its Agency to install ~~certification from this appellant tribunal in accordance with 28 U.S.C. § 1254(2) is [hereby] sought. From February 16, 2010 until December 12, 2012 the Appellate's complaints [HHS-OS-0013-2010 & HHS-OS-0034-2010] have been fragmented and will or should be given at least that amount of time to write or submit a brief and evidencey~~984

D. Incomplete Record of Investigation (ROI)984

IV. OBJECTIONS & OTHER MATTERS OF CONCERN(S) RELATIVE TO ANY DECISION TO REVERSE/VACATE/REMAND EEOC OFO ADMINISTRATIVE TRIAL JUDGE LANA LAYTON APRIL 11th, 2012 DECISION AND INVESTIGATE ALL CLAIMS THAT WERE NOT INVESTIGATED DUE TO AGENCY EEO fragmentation of 8 original claims having ALSO "MSPB" [5 C.F.R. § 1201.3] jurisdiction [& "OSC" [5 U.S.C. § 2302(b)(12) jurisdiction]; which was intentional AND CONSTITUTES a furtherance OF conspiracy to discriminate AGAINST Americas with disability/disabilities IN VIOLATION OF 42 U.S.C. § 1985; 5 U.S.C. § 2302(b)(4); 5 U.S.C. § 2302(b)(9)(A)984

A. MOTION TO EXCLUDE AGENCY GENERAL COUNSEL [DHHS/OS/OIG] SUBMISSION IN BAD FAITH DURING 1st DAY OF INITIAL FACT-FINDER [AJ] HEARING 12b & MOVE THAT IT BE STRICKEN FROM THE RECORD SO AS NOT TO BE PRESENTED & CONFUSED WITH THE ISSUE, ALSO BROUGHT BY APPELLANT, OF, INCOMPLETE RECORD OF INVESTIGATION BY AGENCY EEO [DHHS/OS/EEO] COMPLIANCE DIVISION ~Pre-Employment Inquiries and Medical Questions & Examinations984

B. Because of Appellant's genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder (ADD/ADHD) and being prescribed Adderall XR, a control level II (CII) stimulant, the Appellant was subjugated to additional medical release associated with OPM Standard Form 86 that expired one year from date of electronic signature, on 06/11/2009, releasing such information to conduct a national background investigation,

which means in 2011, without any medical release consent nor authorization from appellant, to cover-up its client(s) THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera and Region IV (OIG/HHS/OS/OAS) Advance Techniques & Information Technology Audit Manager, Brian C. Johnson, merits system rule violation(s) and 42 U.S.C. § 2000ff-6 violation, the OCIG directed the Agency's Federal Occupational Health Services to conduct an unlawful medical evaluation disguised as a pre-employment medical questionnaire/examination to OCIG's hired medical experts in violation of HIPPA, to deceive United States federal Courts Of Appeals and the American taxpayer(s) that the United States Department of Health and Human Services Office of the Secretary is the model disability employer when it has yet STILL NOT facilitated the Appellants reasonable electronic information technology accommodations/workplace modifications conveyed/purchased by Department of Defence 1057

C. Evidentiary matter of DHHS Agency's Counsel/(Office of Counsel to the Inspector General)(OCIG) Fed. R. Civil P. 56(h) knowingly, bad faith submission of fraudulent, and, misleading 'Performance Management Appraisal Program' (PMAP) instructions non-applicable to Appellant THEN Complainant, Region IV (OIG/HHS/OS/OAS) Information Technology Auditor Law-enforcement official, M. John Jones, since new instructions had been issued superseding those introduced by Agency's OIG Management officials [(OIG/DHHS/OS/OCIG) Deputy Branch Chief {advisor} THEN Senior Counsel Reynolds Wilson and/or (OIG/HHS/OS/OCIG) Senior Counsel Alexis S. Conway THEN Associate Counsel and/or THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera and/or Region IV (OIG/HHS/OS/OAS) Advance Techniques & Information Technology Audit Manager, Brian C. Johnson,] to its medical expert(s)/witnesses in violation of Fed. R. Evid. 702, 703, 705 during the first, of two, summary judgment's that were both denied by the administrative trial judge along with a motion to compel from the United States [federal/central] DHHS government{Agency},... a discovery request from the Agency's Office of Counsel to the Inspector General sent to the Appellant 1057

D. Submission of a knowly out date PAMP Instrution Manuel to cover the merits upon of which the Agency discriminated 1074

E. AJ failed to accutate presvre record on Appeal by not including the Direct Evidence included in Appellants Cross Motion, Complaint's motion to amend and Complaint's oppostion to Agency's motion for Summary Judgement, in addition to Trial Exhibits presented for submision not allowed to submit that must be to presvere issues on appeal in accordance with MD 110 and AJ HANDBOOK 1074

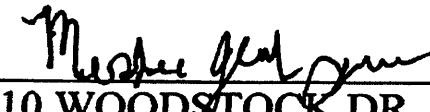
F. Tester Interview with Federal Reserve Bank of Atlanta confirmed Fraud that caused reputational harm; Color of the Law abuses by Executive branch Officials, and Retaliation declared in the 'Complainant's Motion to Amend and Complainant's Opposition to Agency's Motion for Summary Judgment' SENT August 5, 2011 opened by Agency, however, unopened by Trial Judge OFO EEOC Administrative trial Judge Lana Layton.....	1074
G.	1075
H. AJ failure to presvre record of Exhbhits not allowed to submit to presvere issues on appeal.....	1075
Conclusion & RELIEF	1075
Certificate of Compliance	1076
Certificate of Declaration & Service.....	1076

Statement Regarding Oral Argument

The Appellant submits that oral argument would be helpful since the administrative trial Judge of the Equal Employment Opportunity Commission OFO disallowed THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera, the Appellant's supervisor, from testifying as to vitiate the Appellant's Bivens/42 U.S.C. § 1983 claims against this individual, and, the decision process would be significantly aided by its allowance. This request is made pursuant to Fed R. App. 34(c) and 11th Cir. R. 28-2(c).

Respectfully Submitted,

Moshea John Jones


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Certificate of Service

I certify that on Friday, on the 8th of April 2016, **Appellant THEN Office of Inspector General (OIG) United States Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services (OAS), Region IV, Information Technology Auditor Law-enforcement official, M. John Jones [Request and/or] Motion to the office of the Clerk or Cir. Judge(s) for the United States Court of Appeal for the 11th circuit hold briefing schedule until United States Equal Employment Opportunity Commission Office of Federal Operations sends OFO Docket No. # 0120131578; And OFO Docket Nos. # 0120122573 {[Agency No: HHS-OS-0013-2010] EEOC Case No: 410-2011-00227X}, 0120122702 {[Agency No: HHS-OS-0034-2010] EEOC Case No: Hearing Requested (see OFO APPEAL Form 573 OFO DOCKET No. # 0120131578} record(s) to the United States Court of Appeals for the 11th circuit!**

TO be served simultaneously on the Commission and the Agency via United States Postal Service within five business days and electronically to Agency Counsel listed below within 3 days of today, Friday, the 8th of April via email vis-à-vis Adobe send now & track

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